UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/260/Add.1
30 March 1995

ENGLISH
Original: SPANISH

COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION
Forty-sixth session

REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Tenth periodic report of States parties due in 1994

Addendum

MEXICO*

[23 November 1994]

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* The ninth and tenth periodic reports of Mexico, due on 22 March 1992 and 1994 respectively, are combined in this document.

For the seventh and eighth periodic reports of Mexico and the summary records of the meetings at which the Committee considered the reports, see documents CERD/C/194/Add.1 and CERD/C/SR.930 and 931.

The information submitted by Mexico in conformity with the consolidated guidelines on the initial part of reports by States parties appears in core document HRI/CORE/1/Add.12.

The annexes may be consulted in the files of the Centre for Human Rights.

GE.95-15918 (E)

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Introduction

1. As a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, Mexico hereby submits for consideration by the Committee on the Elimination of Racial Discrimination its ninth and tenth periodic reports combined in a single document, in conformity with article 9 of the Convention and with the guidelines of the Committee on the submission of full reports every four years.

2. Article 133 of the Mexican Constitution stipulates that international treaties concluded by the President of the Republic, with the approval of the Senate, shall, together with the Constitution and the laws enacted by the Federal Congress, represent the supreme law of the whole nation. Accordingly, the International Convention on the Elimination of All Forms of Racial Discrimination is part of national legislation and may serve as the basis and ground for any suit in a court of law.

3. In conformity with the principles enshrined in the Constitution, Mexico shares the international community's responsibility and concern to protect and watch over fundamental human rights; it has accordingly signed and ratified a number of universal and regional human rights instruments.

4. Mexico has been a determined and enthusiastic participant in the major trend towards the internationalization of human rights protection, which has been expressed in declarations, covenants, conventions, commissions and jurisdictional bodies to improve human rights and ensure their effective observance. Accordingly, the Government of Mexico signed and ratified the International Convention on the Elimination of All Forms of Racial Discrimination, which has been in force in Mexico since 1975, and is in harmony with the Mexican Constitution. By acceding to the Convention, Mexico reasserted the validity in Mexico of the rights recognized by the Convention, thereby helping to ensure that they enjoy universal recognition and making a clear commitment before the community of nations.

5. In its various periodic reports, the Government of Mexico has set out in detail the provisions of the Constitution and the specific national legislative provisions that ensure the observance of the human rights of all individuals in Mexico who are subject to Mexican jurisdiction, without any form of distinction. The present report, which covers the period 1991-1994, brings to the attention of the Committee the measures adopted by the Government of Mexico to prevent and avert racial discrimination. In the light of the guidelines on the form and contents of reports and the general comments and recommendations of the Committee regarding various articles of the Convention, the Government of Mexico has included in this document information on population, statistical information, and information on national policy and the constructive steps it has taken in relation to the articles of the Convention, as requested when the seventh and eighth periodic reports were considered by the Committee in August 1991.

6. Mexico's commitment to liberty is the cornerstone of the protection of the human rights of Mexicans in Mexico and abroad. The civilized coexistence that characterizes Mexican society renders inconceivable any actual widespread and public disregard for human rights. The protection of human rights is not

a concession from the Government to society, but its primary obligation towards Mexicans. The Government recognizes the obligation strictly to observe the rule of law and to show unqualified respect for the human rights set out in the Mexican Constitution. The chapter of the Constitution relating to individual guarantees and social rights is a tribute to Mexico's constitutional spirit and @o the most advanced conception of universal law.

I. GENERAL

7. In keeping with the frank and constructive dialogue which has characterized dealings with the Committee on the Elimination of Racial Discrimination, the Government of Mexico has been guided, in compiling the present report, by the comments made by the experts during the consideration of its seventh and eighth periodic reports.

8. According to the 1990 population census, 9 per cent of Mexico's total population speak an indigenous language or dialect. However, it is generally agreed that as a result of deliberate or accidental omission the census statistics underestimate the number of speakers of indigenous languages. It is also agreed that the language criterion used in censuses is inadequate for quantifying the indigenous population in social and cultural terms. Many groups that no longer speak their own language have preserved their sense of identity, cultural heritage, indigenous social institutions and historical forms of interaction with groups considered as non-indigenous. Nor are there any studies that would make it possible to estimate the indigenous population on the basis of broader and more appropriate cultural criteria than language. In 1990, the figure of 9 per cent, which represents an absolute minimum, amounted to more than 7 million Mexicans. No other country in the Americas has as large an indigenous population as Mexico in absolute terms.

9. More than 1 million of the speakers of indigenous languages recorded by the 1990 census were monolingual and accounted for approximately one quarter of the total indigenous population. The percentage of monolingual persons recorded by the census was underestimated, as many of those classified as bilingual had only a rudimentary knowledge of Spanish. The bulk of the monolingual population is made up of women, who pass on their mother tongue. Although the dynamics of each language vary, there is no evidence that the languages are dying out.

10. In the past, the variety of indigenous languages and the fact that they were spoken in widely scattered areas had been perceived as an obstacle to the adoption of overall policies. It is assumed that each language, which constitutes a heritage that took millennia to take shape, reflects a philosophy, a cognitive pattern, a way of viewing the world, nature and society and a literary and poetic tradition, as well as other values. Indigenous languages are a constituent part of Mexico's cultural and historic heritage.

1. The 1990 census showed that there were speakers of indigenous languages in all of Mexico's states and municipalities. The scattered nature of the indigenous population is an undeniable fact, although it should also be borne

in mind that most of the indigenous population live in communities that are clearly limited both socially and geographically, and constitute coherent and identifiable units in which the indigenous inhabitants form a majority.

12. In 428 municipalities (18 per cent of the total), persons who speak indigenous languages account for over 70 per cent of the total population. In another 245 municipalities (10 per cent of the total), speakers of indigenous languages are a majority and account for between 30 and 70 per cent of the total population. Thus, it is possible to classify 28 per cent of Mexico's municipalities as indigenous. The indigenous population accounts for less than 30 per cent of the population in 72 per cent of municipalities.

13. A total of 86 per cent of the indigenous population recorded by the census is concentrated in 11 states: Oaxaca (17.2 per cent), Veracruz (12.2 per cent), Chiapas (9.5 per cent), Yucatán (9.5 per cent), Puebla (9.4 per cent), Mexico (7.0 per cent), Hidalgo (5.9 per cent), Guerrero (5.3 per cent), the Federal District (4.0 per cent), San Luis Potosí (3.7 per cent) and Michoacán (2.3 per cent), classified by the size of their indigenous-language-speaking population. In some states, the number of indigenous-language-speakers represents a very high percentage of the total population. This is the case in Yucatán, where 53 per cent of the population speak an indigenous language, Quintana Roo (44 per cent), Oaxaca (44 per cent), Chiapas (28 per cent), Hidalgo (23 per cent), Campeche (21 per cent), Puebla (17 per cent), Guerrero (15 per cent), Veracruz (14 per cent) and San Luis Potosí (13 per cent). In both absolute and relative terms Mexico's indigenous population is concentrated in the south-east and centre.

14. According to the census, the indigenous population is mainly rural. A total of 69.9 per cent of the indigenous population live in rural municipalities, as opposed to only 30.1 per cent of the non-indigenous population. This means that the indigenous population makes up a higher proportion of the population of rural municipalities - 17.1 per cent - than of the total population. One out of every six rural inhabitants is indigenous. The indigenous population is a key feature of rural Mexico.

15. A total of 18.1 per cent of the indigenous population live in municipalities which are not rural. A significant but unquantified proportion of them have preserved their rural traits within municipalities that are no longer classified as rural. This does not mean that the indigenous population does not take part in migratory flows. In 1980, 548,000 indigenous persons (10.6 per cent of the total) were recorded as settled in regions other than their places of origin within Mexico. This figure does not include indigenous migrants outside Mexico, mainly in the United States of America, whose number it is impossible to quantify precisely but who constitute a large group.

16. The large cities, particularly Mexico City, receive the largest numbers of indigenous migrants. Mexico City has the largest indigenous population in the country. No information is available to measure and assess the impact of the 1980s crisis on indigenous migratory flows. However, there are indications that the permanent migratory flow intensified during the decade, particularly towards Mexico City.

17. Seasonal migration by indigenous persons as agricultural labourers is a phenomenon of the highest importance. Participation in domestic migratory flows, which in some cases cover thousands of kilometres, has been a supplementary strategy for the indigenous economy in many regions of Mexico. Indigenous labour is essential to the viability of the major agro-industrial crops. There is no information on the impact of the overall crisis and of the acute agricultural crisis on migrant labour circuits, but the downturn in the economy has affected the economic strategies of indigenous groups and has had an impact on permanent migration.

18. During the past two decades, Mexico has received indigenous refugees from Guatemala, mainly from the Kanjobal, Ixil, Chij, Cakchiquel and Jacaltec peoples, who have settled along the border and in camps set up for them in Campeche, Quintana Roo and Chiapas. Of this influx, which probably consisted of more than 100,000 refugees in the early 1980s, some 50,000 indigenous Guatemalans are still in Mexico. Their presence, which is consistent with Mexico's asylum policy and reflects the solidarity among indigenous peoples, has enriched the interchange between indigenous peoples, which is one of the sources of their strength and diversity.

19. Throughout virtually the whole century, there has been a tendency for the number of Mexico's indigenous inhabitants to grow in absolute terms and to decline in relative terms. Thus, the number of indigenous inhabitants rose from 2 million in 1900 to almost 8 million in 1990. Although still inadequate, the studies available confirm without any doubt that the growth rate of the indigenous population is higher; for the period under review it is estimated to be 0.6 percentage points above the national average of 2.3 per cent. Thus, there is no evidence to suggest that the indigenous population will decline during the foreseeable future, much less die out.

20. The indigenous peoples are a permanent, but by no means static, component of Mexico's population. They are important numerically, and in qualitative terms, they are even more important in almost every respect. This is why Mexico is a multi-ethnic and multicultural nation.

21. At least 70 per cent of the indigenous population depend for their subsistence on primary activities, closely linked to the land and its resources. Almost all indigenous people involved in primary activities engage in diversified traditional farming, with the aim of obtaining food and products to ensure self-sufficiency, although they do sell some of their produce on the food market.

22. Frequently, diversified traditional farming is combined with the cultivation of a number of cash crops solely intended for sale. Of outstanding importance is the growing of coffee - the most important item among the country's agricultural exports. Two thirds of the producers of coffee beans are indigenous persons and together they own one third of the area planted and account for 30 per cent of national production. In addition to this, fruit trees and other cash crops are grown, some of the most important being plants which were domesticated in what today is Mexican territory, such as cocoa, vanilla, amaranth, prickly pear and maguey.

23. Few indigenous farmers grow only cash crops, but this is the case with the Yucatan hemp - farmers of the north-western groups with irrigated land. Mexico's indigenous peoples constitute a significant and distinct part of its rural sector.

24. Diversified traditional farming, with its cash supplements, is combined with a manifold variety of activities. Collecting fuel, food found in the wild, medicinal plants, textile fibres and other raw materials - which include great mullein, palm and zapupe, etc., for sale in markets are widespread activities.

25. Raising farmyard animals alone or in conjunction with agricultural work and bee-keeping are widespread occupations which are pursued on a large or small scale, and provide supplements for the domestic economy or cash. Specialized commercial stockbreeding is rare among the indigenous peoples. However, the expansion of extensive stockbreeding under private ownership is one of the activities that have most seriously affected indigenous areas in recent decades.

26. The manufacture of handicrafts, which are distinctive by their variety, quality and originality, using local materials or materials purchased in the market, is also very widespread. Indigenous women play a leading role in handicrafts, as producers and heirs of what are frequently ancient traditions. The sale of labour on local markets or via migration circuits is widespread and is one of the most common strategies used to earn a cash supplement. The "day's labour" in farming or in other activities such as construction, almost the exclusive preserve of men until about 20 years ago, nowadays also involves women.

27. Fishing along the coasts and in lagoons used to constitute a supplementary activity within the indigenous economy. In some cases it has become the key activity for a small but growing section of the indigenous population. Forestry has also played a supplementary role and remains a potential means of development for indigenous peoples. There is little mining of minerals and other subsoil resources in indigenous lands, with the exception of oil, whose extraction has given rise to conflicts and disputes with indigenous peoples.

28. With land and farming as its basis, the indigenous economy is diversified and comprises a range of activities and strategies to ensure its survival. Generally speaking, the land occupied by indigenous peoples possesses sufficient, not to say abundant, resources to foster their development. Frequently, the best preserved natural resources are those with which the indigenous peoples have maintained a close and ancestral relationship that has permitted their harmonious, efficient and unchanging use, management and care. This approach is sustained by an indigenous system of natural lore which has still not been fully understood or analysed. This lore encompasses thousands of biological species with which the indigenous peoples coexist, together with the complex and delicate interrelationships between the manifold components of ecosystems.

29. This age-old knowledge, which made it possible to adapt wild plants for cultivation and which made of the land that now constitute Mexico one of the world's eight main centres from which cultivated plants originated, is fully consistent with - and in some respects more advanced than - the most recent scientific attempts to make full use of complex ecosystems.

30. The presence of these resources and of the knowledge required in order to use and develop them is a sound foundation for the development of the indigenous peoples within their own territory and in keeping with their productive traditions. Updating this barely used potential, which is far removed from static conservationism or the indiscriminate introduction of external technologies and is capable of fostering development in harmony with the natural environment, must be a prime objective of action in support of indigenous people.

31. Severe damage has been caused to the natural environment in many indigenous territories by a number of factors, which include the following: the limited size of the territory, which makes it incapable of absorbing demographic pressure, leading to over-exploitation; external expropriation of resources located on the indigenous territory, as in the case of forestry or the intrusion of extensive stockbreeding, which degrade the environment and generate poverty; and the growth of demand for the territory's products through middlemen and beyond any form of environmental regulation.

32. The deforestation caused by the imbalance between logging and replanting, soil erosion and degradation, the pollution of rivers, lakes and estuaries, desertification, together with other environmental risks, affect indigenous areas to varying degrees. The indigenous peoples are aware of these processes but lack the economic resources and external support necessary to tackle them.

33. The indigenous peoples are of considerable strategic importance for the preservation of the nation's natural resources. The development of indigenous peoples, for their own benefit and in harmony with the natural environment, is a matter of pressing and overriding importance on the national agenda.

34. The relationship between the indigenous peoples and the land is dependent on the land ownership and tenure regime. Approximately 2,000 indigenous communities are registered and possess deeds to 16 million hectares, 8 per cent of Mexican territory. A very large but unquantified proportion of registered communal property is actually owned by today's indigenous communities. In addition, indigenous populations have access to an undetermined number of ejidos.

35. However, there is no actual correlation between aggregate figures for land distribution and tenure and its use by the indigenous communities. Small - and occasionally extremely small - farmsteads are the rule in most indigenous communities. The original land, which was frequently insufficient, was divided up to make room for the generations that took up the cultivation of land after the agrarian reform. Minifundismo, which means that the land is insufficient to yield the benefits deemed necessary by the indigenous culture, is predominant among the indigEnous communities.

36. Formal problems relating to land tenure constitute a practical obstacle to land use and development and have become a source of conflict and insecurity, occasionally leading to outbreaks of violence. The land ownership problems by which indigenous peoples are often affected can be analysed at two levels. The first concerns the absence of any regulations governing the indigenous communities as a specific form of land ownership. In practice, this has been overcome by assimilating communal ownership to ownership by the ejido. The recognition of small plots within the communal boundaries has prevented the enforcement of presidential decisions, as it has encouraged those affected to appeal for stays of execution.

37. Moreover, there are no regulations pertaining to the right of the communities to define the use and distribution of their land, which consequently lacks formal approval and recognition. These and other sources of imprecision deriving from the lack of specific legislation make the agrarian community an imperfect concept, relegated to the background. The tradition, cohesiveness and solidarity of indigenous communities, which frequently lack formal recognition, have been incapable of offsetting their shortcomings, although they have been instrumental in controlling and mitigating numerous conflicts.

38. At another level, it has to be recognized that there have been shortcomings and delays in implementing the existing regulations among the indigenous communities. The most backward agrarian sector is in the ejidos and indigenous communities, where agrarian conflicts are serious and need to be given priority attention. Fully overcoming the backwardness of the agrarian sector is a prerequisite for the development of Mexico's indigenous areas. The regularization of this sector should be ensured by the effective and transparent enforcement of the law.

39. It is important to overcome the backwardness of the rural sector through reconciliation among and within the parties, as is in fact required by existing law. The measures of reconciliation already carried out by joint teams from the Department of Agrarian Reform, the National Institute for Indigenous Affairs and the State governments have narrowed the gap between the authorities and the backward communities and broadened the scope for participation. In addition, they also make possible the integration of land problems and those of development in order to find a comprehensive solution, with due respect for the communities' wishes and their active involvement.

40. There is a clear correlation between the size of the indigenous population and indicators of poverty and marginalization, particularly where figures for rural municipalities are concerned. The 70 per cent of indigenous municipalities recorded by the 1980 census have a total population of 4,443,000. Of this population, 96.5 per cent live in municipalities where marginalization is high or very high, according to the classification of the National Population Council (CONAPO). The 23 per cent of the non-indigenous population resident in rural municipalities live in a state of medium or low marginalization, which is the case of only 3.5 per cent of the indigenous population.

41. The contrast is sharpest among the highly marginalized strata, into which 65.8 per cent of the indigenous population in rural municipalities fall, compared with only 18.6 per cent of the non-indigenous population. A total of 41 per cent of Mexicans living in rural municipalities where a large proportion of the population is marginalized are indigenous, almost three times higher than among the total population of rural municipalities. The backbone of poverty is largely formed by the areas with the densest indigenous population.

42. According to CONAPO, in 1980 the 10 States with the highest marginality index were Oaxaca, Chiapas, Guerrero, Hidalgo, Tabasco, Zacatecas, Veracruz, San Luis Potosí, Puebla and Michoacán, in decreasing order. With the exception of Tabasco and Zacatecas, the eight remaining States, together with Yucatán and Mexico, also figure among the group of States with the largest indigenous population.

43. Indigenous persons accounted for 13.8 per cent of Mexico's 32.1 million poor in 1980. Virtually all indigenous persons in rural municipalities are poor. Those who escape poverty are exceptions that do not form representative strata or groups.

44. The indigenous persons in the large cities live in a state of poverty, and frequently extreme poverty, and perform the most menial, vulnerable and precarious jobs. Studies carried out in Mexico City confirm and justify the general assertion that, with a few exceptions, indigenous persons are among the poorest inhabitants of the cities. Indigenous persons in the cities make up a very considerable proportion of own-account workers in the informal economy and of domestic employees. They mainly live in marginal areas, the so-called "lost towns", in rented rooms without utilities. They suffer various forms and degrees of discrimination, which is why they frequently conceal the fact that they are indigenous. Cities have not offered a warm welcome to indigenous migrants.

45. In spite of this, there would appear to have been no let-up in the migration of indigenous persons to the large cities where they are eligible for subsidies that are unavailable in their places of origin. The most noteworthy of these are food and transport subsidies, together with a range of opportunities, however precarious, that are lacking in rural municipalities. The difficulties indigenous migrants encounter in the cities and their attachment to their communities and their own people are important factors in the low rates of migration between the indigenous peoples.

46. Both in rural municipalities and in the cities, being indigenous also means being poor; escape from poverty is a rare and individual exception and not the result of membership of a developing social group.

47. Measures taken by the authorities have brought about major changes in the indigenous environment. Not all of them have been negative and their ability to affect the structural factors impeding the development of the indigenous peoples is a strategic instrument for change.

48. Solidarity among the indigenous peoples, which takes a wide diversity of forms, has ensured their continued existence and growth in circumstances of shared poverty, through their public institutions, and has even extended social protection. In many respects and situations, solidarity is synonymous with survival for the indigenous peoples. It is a daily and institutionalized feature of social life.

49. Solidarity weaves a dynamic web of social organization, which also takes on manifold and diverse forms and effectively regulates interaction between individuals and in part, albeit significantly, with other social groups and official institutions. The so-called traditional organization of the indigenous communities has performed a key role in introducing a number of public services into the indigenous environment.

50. Such modern features as the present-day indigenous environment possesses could not have been obtained without the active participation and economic contribution of its traditional organizations. The indigenous system of organization is the key element in the planning of development and the implementation of consistent and continuous activities for that purpose.

51. It is unacceptable to the nation that indigenous Mexicans should be denied equal access to justice, justice being their major demand - principally in the criminal, agrarian and labour spheres.

52. The health demands of indigenous peoples take several forms, the first of which concerns medical care. Over the past 10 years the Government of the Republic has made a considerable and continuous effort to assist Mexicans living in poor rural areas, including indigenous Mexicans, by means of various programmes, including primarily the IMSS Solidarity Programme. Owing to problems of dispersal and poor communications and access, coverage is insufficient. In the indigenous areas, which are the most inaccessible, the proportion of the population receiving assistance falls sharply. In some indigenous regions more than 80 per cent of births are attended by traditional midwives.

53. Malnutrition is found in the indigenous areas and accentuates the incidence of disease. According to data of the IMSS Solidarity Programme, identified cases of malnutrition among children aged under four in the areas with the highest concentrations of indigenous population range from 29 per cent in San Luis Potosí and Quintana Roo to 53 per cent in Oaxaca, and these figures would tend to increase if only the indigenous population was assessed. Generally speaking, the indigenous population does not have access to the benefits of the nutrition assistance programmes. There is no intrinsic factor in the traditional diet of the indigenous peoples to explain the high levels of malnutrition, and they must therefore be attributed to problems stemming from the economic situation aggravated by inadequate supplies and very high prices. The need to give attention to the nutritional problems of the indigenous population is acquiring priority and urgency. This was one of the original and fundamental commitments undertaken by the Mexican Revolution.

54. The majority of the indigenous population in rural areas lacks drinking water and sewage systems in their homes. It is estimated that more than 90 per cent of the indigenous population in rural municipalities lack a sewage

system. The lack of sanitation services, which is due in part to the technical options favoured by the institutions, is reflected in the health of the indigenous population.

55. A bilingual-bicultural educational system has been devised, but access by the indigenous population to primary education is a problem. On a national average, nearly half the children who enter primary school complete primary studies. In the bilingual educational system, barely one of every five children who enter first grade completes the primary education cycle. Sixty per cent of primary schools in the bilingual system are single-unit, where a single teacher teaches all grades, or incomplete, not offering all the grades. The conditions under which bilingual education takes place are characterized by material shortages and a serious lack of teachers. The high drop-out rate is partly explained by the fact that pupils have to begin working at an early age, but factors relating to the quality, relevance and appropriateness of the education provided must not be ruled out.

56. There is no educational system or institutions specifically covering indigenous education in the cycles beyond primary education. Approximately 5,000 fellowships are awarded to indigenous students in the middle cycle. However, the very low monetary value of the fellowships has made them completely ineffective. There is no national system of support for indigenous students at the high-school and university levels.

57. The indigenous population is obviously in a situation of severe inequality as regards access to education in quantitative terms. The same is true as regards length of stay and benefit derived from the educational system. These inequalities are aggravated by the poor quality and inappropriateness of the educational services available to them. The lack of educational equality is especially unacceptable as Mexico was a pioneer in gearing education to the needs of its indigenous population.

58. Indigenous cultures are a key component of the nation's cultural heritage. Their languages, lore, social solidarity institutions, rules for the preservation and non-destructive use of the environment, history, varied forms of artistic expression, legal standards, customary law and patterns of interpersonal relationships, among many other aspects, represent a veritable treasure that took thousands of years to emerge and coalesce. What is more, they offer a wide range of solutions and choices for building a pluralistic, democratic and sovereign future for the nation.

59. The indigenous cultures are preserved, transmitted and shaped through their own vitality and in keeping with their traditions, with very limited contact with other cultures, especially the so-called developed cultures - including the sciences, which again results in a pattern of inequality.

60. Indigenous demand for infrastructure works focuses on road-building. Despite progress in the road network in recent decades, many indigenous territories and communities are still not connected with it. Isolation is a constant feature of most indigenous regions. This problem is partly explained by the difficult topographical conditions, which increase building costs, and

the low priority given to indigenous areas. The roads built under precarious conditions in the indigenous areas, often by the people themselves, require upkeep and maintenance.

61. Isolation due to lack of roads becomes a condition that gives rise to all forms of intermediate activity and curbs the development of production. An indication of their awareness of the importance of roads is the communities' repeatedly expressed willingness to contribute free labour and materials for road construction. Many roads have been built through the efforts of the communities alone. Their help has made it possible to adopt unconventional methods, such as equipment depots in support of self-help construction efforts, for building and maintaining roads at very low cost.

62. A very high but undetermined proportion of indigenous communities lack means of communication: postal service, telephone, radio or telegraph. In these circumstances, the programmes broadcast on indigenous radio stations and a few commercial stations are of particular importance.

63. Considerable progress has been made in supplying rural areas with electricity, but many isolated indigenous communities still do not have access to this service. Indigenous communities are frequently unable to raise the money necessary for installing it, although they are willing to provide their own labour and local materials in order to obtain it. This willingness to participate can become the basis for extending the electricity network to the more remote and least densely populated communities. The possibility should also be explored of providing electricity through alternative, unconventional methods, without connection to the national network and using local resources.

64. Practically no indigenous group has benefited from the major irrigation works; on the other hand, many have been affected by the construction of large dams for irrigation, flood control or electric power generation, which have necessitated the relocation of communities and created an additional form of marginalization, since those affected were not always compensated. Soil and water conservation, as well as the use of water for irrigation, have been repeated demands by the indigenous population which have not been given proper attention.

65. Efforts to conserve soil and water and improve the use of the land with community participation have also been slowed down by the limited number of technical options. In addition, many of the structures built for these purposes have not been properly maintained and need to be rehabilitated. The delay in soil and water conservation efforts has reached critical levels in some indigenous areas, where the ecological balance is at breaking-point. Dealing with and averting these critical situations in the indigenous areas are matters of the highest priority.

66. In the indigenous communities there is a severe shortage of buildings for health services and public services in general. The lack or precarious nature of such buildings has an impact on production, civic activity, education and recreation. The delay in the construction of infrastructure works in indigenous areas is serious and must be dealt with. The communities are willing to participate by providing labour and local materials. To take advantage of their offer, which considerably reduces costs, methods must be

used whereby the communities themselves undertake the actual works. An added effect of the communities themselves building their own infrastructure works is job creation and spin-offs for the local economy, which should be supplemented with support for profitable investment in production in order to create a dynamic of growth and self-sustained development in indigenous areas.

67. Inappropriate marketing burdened with large numbers of middlemen is one of the most difficult bottlenecks for the development of indigenous production. The same is true of the supply of goods not produced in the region. The Government of the Republic has made great efforts to provide ample supplies at appropriate prices through rural stores. The establishment of the supply boards constitutes a useful experience in community participation; however, the stores have been plagued by a lack of working capital and other problems.

68. On the other hand, there have been some useful though insufficient experiments in support for the marketing of indigenous production under better conditions, reducing the number of middlemen. In many cases, indigenous organizations have successfully taken part in marketing processes, and their performances indicate a possible course of action in this fundamental area.

69. Worthy of special mention are the artifacts produced by indigenous peoples, frequently by women. There is enormous potential in this type of production, since exports of artifacts might be an important factor in the national economy and in raising producers' incomes. The development of handicrafts, with a distinction between artistic production and the production of utilitarian objects and the channelling of each type to the appropriate markets, is a very urgent matter with the highest priority. The national and State agencies working to encourage handicrafts production, which have few resources and are poorly coordinated, nevertheless provide an institutional basis for the development of comprehensive crafts programmes for the indigenous peoples of Mexico.

70. This concludes the Government's section on legislative reforms and national and local programmes and institutions to guarantee respect for indigenous rights.

II. INFORMATION RELATING TO ARTICLES 2 TO 7

A. Articles 2 and 5

71. In its previous periodic reports, the Government of Mexico has provided the Committee with information on the indigenous peoples situation and problems and on the steps taken to guarantee them full enjoyment of human rights and fundamental freedoms under conditions of equality. On the matter of protection of indigenous rights, the Government of Mexico draws the Committee's attention to the reforms of criminal legislation which ensure fairer treatment for indigenous inhabitants in all legal proceedings; the Programme of Justice of the National Institute for Indigenous Affairs; the National Solidarity Programme, the activities of the National Human Rights Commission in this field and the National Commission for Comprehensive Development and Social Justice for the Indigenous Peoples.

1. Legislative reforms

(a) Reforms of criminal legislation

72. In order to consolidate the protection of human rights in all legal proceedings, particularly through enforcement of the legal requirements concerning arrest and detention, judicial confession and subsequent proceedings before the competent authorities, the Union Congress on 23 December 1993 approved a decree calling for the amendment of various provisions of the Federal District Penal Code and the Federal and Federal District Codes of Criminal Procedure. The reforms entered into force on 1 February 1994 and make specific provision for cases involving indigenous persons.

73. The changes and additions to various articles are principally designed to strengthen statutory provisions in order to ensure more equitable treatment for members of ethnic groups who know little or no Spanish. In such circumstances, it is a legal and human necessity that fair treatment should be ensured in conformity with the fundamental requirements of law appropriate to a State subject to the rule of law.

74. Because of their customs, languages, values, legal traditions, social practices and environment, indigenous persons must be given special consideration, over and above that accorded to others.

75. The reforms approved are particularly concerned with strengthening the courts' duty to give due weight to all facts which throw light on the personality and background of members of particular ethnic groups involved in the commission of an offence.

76. The following are the amendments to various criminal provisions referred to above:

(a) The following provisions of the **Penal Code for the Federal District**:

(i) Art. 15. An offence is not considered to have been committed when:

I. ...

VIII. The act or omission occurs as the result of an unavoidable error:

(a) ...

(b) Regarding the unlawfulness of the act, either because the individual is unaware of the existence or scope of the law or because he believes his act is justified.

If the errors referred to in the previous paragraphs are avoidable, the provisions of article 66 of this Code shall apply:

(ii) Art. 66. If the error referred to in article 15, paragraph VIII (a), is avoidable, the offence shall be declared punishable if the act in question can be qualified as an offence. If the avoidable error is provided for in paragraph VIII (b), the penalty shall be a maximum of one third of the penalty for the offence in question.

(b) The following provisions of the **Federal Code of Criminal Procedure**:

Chapter II

Art. 128. When the accused is detained or appears voluntarily before the Federal Public Prosecutor's Office, the following steps shall immediately be taken:

I. ...

IV. When the detainee is an **indigenous person** or foreigner who does not speak or understand Spanish sufficiently well, he shall be assigned a translator who shall explain to him the rights referred to in the above-mentioned paragraph (which basically sets forth the following rights: not to make a statement if he does not wish to or to make a statement with the assistance of counsel; to be properly defended by himself, by his representative or by a court-appointed lawyer if necessary; to have his lawyer present throughout the presentation of documentary pre-trial evidence, to be provided with all necessary information for his defence; to have the court hear witnesses and receive evidence provided by him and to be released on bail in accordance with the applicable provisions).

(c) The following provisions of the **Code of Criminal Procedure for the Federal District**:

(i) Art. 183. When the accused, injured party or victim, complainant, witnesses or experts do not speak or understand the Spanish language sufficiently well, the Public Prosecutor's Office or the judge shall appoint one or two translators of full age who shall promise to translate faithfully any questions and replies it is necessary to convey. A translator at least 15 years of age may be appointed only if a translator of full age cannot be found;

(ii) Art. 269. Reproduces the provision contained in article 128, paragraph IV, of the Federal Code of Criminal Procedure, for cases involving **indigenous persons** or foreigners, considered earlier;

(iii) Art. 285 bis. In the pre-trial investigation stage of proceedings against a person who does not speak or understand the Spanish language sufficiently well, a translator shall be appointed for him as from his first day of detention or

appearance to assist him in all subsequent procedural acts in which he has to participate and in communicating properly with his defence counsel.

The judge shall, where appropriate, ex officio or at the party's request, ensure that this means of communication is maintained; if he deems such a course necessary, he shall appoint a translator to improve this form of communication;

(iv) Art. 296 bis. During the pre-trial investigation, the judge hearing the proceedings shall take note of any special circumstances surrounding the accused, attaching information concerning his age, upbringing and education, and habits and previous behaviour; the reasons which led him to commit an offence; his financial situation and any other special circumstances at the time he committed the offence; if applicable, his membership of an **indigenous ethnic group** and any practices or features that might apply to him as a member of that group; any other personal background information that it is possible to establish, as well as any family or friendship ties or other social contacts, the situation of the victims or parties injured by the offence, and the circumstances as regards time, place, method and occasion indicating the extent to which he may be considered a public menace.

(b) National Human Rights Commission

77. The National Human Rights Commission was established by the Presidential Decree of 6 June 1990. In its capacity as ombudsman, it has a general overview of human rights violations, carries out such investigations as it considers relevant, evaluates evidence and makes the appropriate recommendations. On 28 January 1992, it was given constitutional status, and on 29 June of the same year it was granted legal personality as a decentralized body of the Federal Executive. This was set forth in the Decree amending article 102 of the Mexican Constitution, and published in the Diario Oficial of 28 January 1992 (annex I).

(c) Reform of article 27 of the Constitution

78. On 6 January 1992, the decree reforming article 27 of the Mexican Constitution (annex II) was published in the Diario Oficial. Previous agrarian legislation had been found to be seriously inadequate for the development of agriculture because it had led to the outflow of capital from the countryside and the concentration of decision making that should have been in community hands in the hands of a few landholders.

79. The reform promotes justice and freedom in the countryside, protects the ejidos and enables peasants, most of whom are of indigenous origin, to be the subjects and not the objects of change. The reform aims at reverting to the smallholding and avoids a return to the large estates, promotes investment in the countryside and establishes rapid legal procedures to remedy backwardness in agrarian matters. Likewise, the Federal Government pledged to increase

budgetary resources for rural areas and to subsidize some insurance costs and extend coverage for members of ejidos. The National Fund for Solidarity Enterprises was established, the purpose of which is to provide support for agricultural and agro-industrial activities, and it was decided to transfer the portfolio from Banrural to the National Solidarity Programme and to increase financing for rural areas. Similarly, in a further government initiative to promote greater self-management among producers and to supplement the reform of article 27 of the Constitution, the Department of Agriculture and Water Resources of the Federal Executive Branch designed a programme of direct support for rural producers, PROCAMPO, which will enter into force in the autumn-winter cycle of 1994-1995.

Office of the Attorney-General for Agrarian Affairs

80. Another amendment (6 January 1992) to article 27 of the Constitution was the establishment of the Office of the Attorney-General for Agrarian Affairs, to meet the goal of the reform to dispense justice rapidly, clearly, impartially and truthfully. To that end agrarian tribunals were established. The Office cooperates with these tribunals not only in the legal representation of peasants, but also in fulfilling a basic objective of the reform of article 27 - faultless, expeditious and generous justice for Mexican peasants.

81. Now in its second year, the Office has received 65,229 requests for action by individuals in the agrarian sector, 3,000 of them relating to the backwardness of the sector, which is exclusively within the purview of the Department of Agrarian Reform. In this area, both agencies are working together to eliminate this historical backwardness before the end of the present Administration.

82. Another of the strongest demands from the Mexican countryside, and especially the indigenous populations, is for undisputed and documented property rights for ejido members. To meet this demand, President Salinas de Gortari established the programme of Certification of Ejido Rights and Tenure of Urban Sites (PROCEDE), in which the Office of the Attorney-General for Agrarian Affairs participates jointly with the National Institute of Statistics, Geography and Information Technology and the National Agrarian Register, which is responsible for land-tenure registration and security of documents, under the coordination of the head of the Department of Agrarian Reform.

83. The Office of the Attorney-General for Agrarian Affairs has also dealt with the complex conciliation networks in the indigenous communities, the acceptance of new ejido members in PROCEDE, and the right of indigenous people and peasants to elect and monitor representative bodies (annex III).

84. The new agrarian culture resulting from the reform of article 27 of the Constitution is based on the fact that Mexico is a diverse and pluralistic nation.

(d) Reform of article 4 of the Constitution

85. The National Commission on Justice for the Indigenous Peoples, an advisory body of the National Institute for Indigenous Affairs, was established on 7 April 1989. The Commission's first task was to prepare a draft amendment to the Constitution recognizing the specific rights of the indigenous peoples of Mexico. The draft was submitted to President Carlos Salines de Gortani, who then transmitted to the Congress of the Union a proposal for a constitutional amendment, which was published in the Diario Oficial of the Federation on 28 January 1992, after being approved by the Congresses of the States.

86. "Art. 4. The Mexican nation has a multicultural composition originally based on its indigenous peoples. The law shall protect and promote the development of their languages, cultures, usages, customs, resources and specific forms of social organization, and shall guarantee their members effective access to the jurisdiction of the State. In the agrarian proceedings and trials in which these peoples may be involved, account shall be taken of their legal practices and customs, in the terms to be established by law."

87. The reform of article 4 of the Constitution was prompted by the country's concern that its indigenous peoples and communities live in conditions far removed from the equity and well-being which the Mexican Revolution set and incorporated as a tenet of the Constitution.

88. From the linguistic point of view, at least 9 per cent of Mexicans have as their mother tongue one of the 56 indigenous languages spoken in our country. In the present century, the number of persons speaking indigenous languages in Mexico has grown from 2 million to over 8 million, and 96.5 per cent of indigenous inhabitants live in rural municipalities in areas categorized as having a high level of marginalization. Illiteracy, infant mortality and malnutrition rates in the indigenous communities are twice the national average.

89. Despite the act that the law is supposed to apply equally to everyone in Mexico, when indigenous people are involved their social, cultural and economic marginalization and their inability to speak Spanish often result in their being discriminated against in the courts. It is incompatible with the modernization of the country, with justice, and with the defence and strengthening of national sovereignty that the principle of equality before the law is not always adhered to with regard to the indigenous population. For this reason there is a nearly complete correspondence between the indigenous peoples and poverty, and frequently extreme poverty.

90. After wide public consultation between October and December 1989, it was decided that there should be a request for a constitutional reform containing the principles that have now been established in the presidential initiative, the main elements of which are: recognition of the nation's multicultural composition and the establishment of a constitutional mandate for the law to provide adequate instruments for guaranteeing the indigenous peoples full and equal access to the jurisdiction of the State, and to protect and develop cultures, forms of social organization and resources on which they

are based. This new paragraph of article 4 is consistent with the principle of solidarity - a landmark programme and action by the Government of President Salines de Gortani, which is aiming to address inequality and injustice, with the participation of society at large.

2. Governmental programmes and activities

(a) National Institute for Indigenous Affairs (INI)

91. The INI was established in 1948 as a governmental body to work for the benefit of the country's indigenous communities. Its activities are now conducted in the framework of the National Programme for Development of the Indigenous Peoples and the National Solidarity Programme. Its activities are geared to the attainment of the following objectives.

(a) To overcome the position of marginality of the indigenous peoples of Mexico. The inequality and plurality which are reflected in extreme conditions among the indigenous peoples are considered to be unresolved key national problems that will have an impact on the definition of the model of national development in the economic and political spheres;

(b) To create a new model for an alliance, renewing the relationship between the State, civil society and indigenous peoples, in order to eliminate the discriminatory and paternalistic practices that have distorted it;

(c) To promote and support indigenous initiatives and organizations having the capacity for self-generated and sustainable development.

92. The activities of the National Institute for Indigenous Affairs are based on the following core programme elements: promotion of the free development of indigenous cultures and redressing the inequality curbing or inhibiting such development. In this context, the three general principles informing all the activities of the current Administration are the following:

(a) Participation by the indigenous peoples and communities in the planning and execution of the Institute's programmes;

(b) The Institute's chief goal is eventually to transfer its functions to the indigenous organizations and communities, and to other public institutions and groups within civil society involved with, and committed to, activities for the benefit of indigenous peoples;

(c) Coordination with federal, State, municipal and social institutions, and with international agencies, such coordination being a constant feature of all the Institute's activities.

93. These three general principles apply to all the Institute's activities, which can be divided into the following four main programmes being conducted in 22 States, over 951 municipalities and 27,809 communities:

(a) Economic development. Promotion of projects involving production and production infrastructure, using the Regional Solidarity Funds;

(b) Health and welfare. Health programme aimed at the promotion of health, as provided for by the primary-care system and the hostel and fellowship programme in support of indigenous education.

(c) National programme of justice. Legal defence for indigenous detainees and legal counselling in the labour and agricultural sectors;

(d) Promotion of the cultural heritage. Promotion of culture, traditions and art forms, through the solidarity funds for the promotion of the cultural heritage.

94. The Institute's operational structure consists of four departments: development; research and cultural advancement; justice; and organization and training.

95. Since its establishment, the National Institute for Indigenous Affairs has conducted a broad range of substantive activities, which have covered the following areas: education, school hostel programmes, training, health, agriculture (coffee, maize and other crops), livestock-raising activities (cattle, sheep, beekeeping), fishing forestry, exports, bridge and road construction, anthropological research (books, audiovisual), promotion of indigenous cultures (financing of community projects, organization of national and international meetings, etc.), mass communication through INI's 15 radio transmitters, justice (defence counselling in the criminal and agricultural spheres, draft legislation and support for human rights associations, dissemination of basic rights), civil register.

(b) National Human Rights Commission (CNDH)

96. Since its establishment, the CNDH has given priority to indigenous groups and has dealt with various problems involving violations of the human rights of indigenous communities in our country. In January 1991, the Indigenous Affairs Programme was established with the objective of giving special attention to this population, which because of its socio-economic and cultural features constitutes Mexico's most vulnerable social group as regard human rights violations. This programme uses different strategies from those normally used for resolving complaints submitted to the CNDH. It is based on the principle that unequal people should not be given equal treatment. In this case, the inequality is inherent in the indigenous inhabitants' particular situation.

97. The living conditions characteristic of most of the indigenous population include high levels of malnutrition and economic and social marginalization, illiteracy, and the fact that nearly all the groups are monolingual. Indigenous people customarily live under conceptions of the world which are different from those of Western culture and which occasionally enter into conflict with the laws in force. For all these reasons, there are severe obstacles to indigenous people's access to justice under conditions of equality and fairness.

98. The Indigenous Affairs Coordination Unit receives and processes complaints submitted regarding violations of indigenous inhabitants' human rights. The complaints currently being processed involve the responsibility

of the federal authorities, or relate to local cases which, because of their importance and the type of violation involved, affect the interests of indigenous communities or groups. Complaints are also received in connection with the work teams that are organized in communities in indigenous regions where there is a specific work programme. Finally, the Unit deals with alleged violations of the human rights of indigenous persons when they are reported or mentioned in the media, even if no complaint has been submitted on the matter.

99. The Unit participates in reconciliation meetings when the representatives of a particular community so request, with the aim of seeking alterative solutions to social conflicts.

100. The work of the Indigenous Affairs Programme and the CNDH is constantly publicized through radio programmes, training courses given by the CNDH in indigenous communities, and articles in journals specializing in ethnic problems describing the most representative cases of violations of indigenous rights.

101. On the basis of rule 29 of its rules of procedure, the CNDH has reserved for itself the right to continue hearing complaints submitted by indigenous groups irrespective of the type of authority named as responsible, provided the problems affect a particular people or community. Indigenous problems are highly complex, and despite the existence of various governmental and non-governmental organizations and agencies responsible for dealing with different problems affecting these groups, much remains to be done. Everyone must work together to ensure that the new regulations in both the legal and economic and the social and cultural spheres are enforced.

102. When a human rights violation or infringement occurs, what is important is that the act in question should not go unpunished; in other words, the authorities should act with the full severity of the law, not only to punish those responsible for an act violating human rights, but to provide compensation for the injury sustained, which is sometimes equally important.

103. It should be borne in mind that the indigenous peoples are a part not only of our history, but also of our present-day problems, with their own genuine demands, and that, in the interests of democracy, they must be given consideration when decisions affecting them are taken. The human rights of indigenous peoples are only one means, but a highly important one, of achieving peace and harmony for these peoples.

104. Between May 1992 and May 1994 the CNDH received 274 complaints, of which 127 were submitted directly by the complainant in connection with the work teams organized in various indigenous communities in Mexico. Most of the complaints related to problems of delays in justice and court proceedings, cases of arbitrary detention, torture, abuse of authority, failure to implement agrarian decisions, and refusal to provide or return land. During this period 124 complaints, on various grounds, were dealt with. Forty recommendations were made concerning violations of the human rights of indigenous persons on the following grounds: expiration of constitutional time-limit for rendering judgement, irregularities in the conduct of

preliminary investigations, abuse of authority, delays in the system of justice, delays in agrarian proceedings and failure to implement arrest warrants:

RECOMMENDATIONS IN FAVOUR OF INDIGENOUS COMMUNITIES

	No.	Date	Complainant and/or injured party
1.	78/91	09 September 1991	RECLUS. TUXTEPEC
2.	84/91	19 September 1991	LLANO GRANDE
3.	103/91	04 November 1991	CANDAYOC
4.	52/92	26 March 1992	TRINIDAD YAVEO
5.	77/92	29 April 1992	ROSENDO GARCIA M.
6.	83/92	06 May 1992	USBALDO URGEL
7.	90/92	11 May 1992	ANGEL ALBINO
8.	134/92	06 August 1992	JULIAN ALBINO H.
9.	135/92	07 August 1992	SANFRANCISCO HIGOS
10.	171/92	31 August 1992	JALAPA DE DIAZ TUX
11.	187/92	23 September 1992	EMILIANO SULU
12.	192/92	02 October 1992	FAM. OLIVERA ACOSTA
13.	197/92	12 October 1992	PASO ACHIOTE
14.	230/92	13 November 1992	CERESO GUACHOCHI
15.	236/92	19 November 1992	OCOVIACHI
16.	261/92	11 December 1992	VICENTE GIL S.
17.	262/92	17 December 1992	TLAJOMILCO DE ZUÑIGA
18.	264/92	17 December 1992	VIRAMONTES
19.	269/92	17 December 1992	OCOTAN
20.	271/92	17 December 1992	TOMATLAN
21.	01/93	08 January 1993	BABORIGAME
22.	29/93	08 March 1993	EJIDO LA SOLEDAD
23.	31/93	10 March 1993	CELESTINO DIAZ CHAVEZ
24.	37/93	16 March 1993	NICOLAS Y PEÑA BUSTILLOS
25.	88/93	12 March 1993	PEREZ DIAZ MANUEL
26.	160/93	10 August 1993	COMD. INDIGENA STA. MARIA
27.	163/93	17 August 1993	SULU HOIL EMILIANO 1
28.	179/93	06 September 1993	PEDRO B. RAJOCHIQUE
29.	184/93	20 September 1993	COMD. INDIGENAS OCOSINGO, CHIS.
30.	204/93	13 October 1993	SAN TEPONAHUAXTLAN
31.	243/93	30 November 1993	CANDELARIA LAZCANO
32.	05/94	23 February 1994	FRANCISCO ARIAS O.
33.	13/94	04 March 1994	COM. IND. EL OCOTAL
34.	33/94	16 March 1994	IND. STA. ANA ZIROS
35.	58/94	19 March 1994	EXPUL S/CHAMULA
36.	63/94	21 April 1994	IND. TEPEHUANOS
37.	64/94	22 April 1994	SAMUEL CARRILLO C.
38.	79/94	04 May 1994	POB. ACACOYAHUA
39.	81/94	06 May 1994	CRUZ CRUZ ENRIQUE
40.	86/94	10 May 1994	EJIDATARIO YOCHIB

105. From May 1993 to May 1994, the 16 recommendations issued by CNDH for violations of indigenous rights were submitted to the following authorities:

Governor of the State of Chiapas	5
Head, Department of Agrarian Reform	3
Governor of the State of Nayarit	3
Attorney-General of the Republic	2
Attorney-General for Agrarian Affairs	1
Director-General, INI	1
Governor of the State of Chihuahua	1
Governor of the State of Durango	1
Governor of the State of Jalisco	1
Governor of the State of Michoacán	1
Governor of the State of Puebla	1
Governor of the State of San Luis Potosi	1
Chief Judge, higher Court of Justice of the State of Nayarit	1
President, LVII Legislature of the State of Chiapas	1
President, Municipality of San Juan Chamula, Chiapas	1

106. Fifty-one work teams were organized in various indigenous regions of the country in the States of Chiapas, Chihuahua, Hidalgo, Jalisco, Oaxaca, Michoacán, Sonora and Veracruz. During their visits CNDH members received various complaints of violations of the human rights of indigenous groups, provided guidance as required in each case and collected documentation to be used in proceedings before the CNDH, while several outreach workers attended conciliation meetings as witnesses and met with various State officials. Likewise, from January 1991 to May 1994 the CNDH lent its support in securing the early release of 84 indigenous prisoners.

(c) National Commission for Comprehensive Development and Social Justice for the Indigenous Peoples

107. The National Commission for Comprehensive Development and Social Justice for the Indigenous Peoples was established by Presidential Decree on 19 January 1994. Its purpose is to coordinate government activities and define government policies for promoting, safeguarding and supporting the comprehensive development of the indigenous peoples and the improvement of their living conditions, especially as regards social, economic, educational, cultural, health and labour matters. The Commission will also seek to guarantee the full administration of justice and respect for individual and collective rights for the benefit of all members of the indigenous peoples and communities in the Mexican nation. Another purpose of the Commission is to make recommendations to the Federal Executive Branch concerning the definition and implementation of general and specific policies for handling indigenous problems, with full respect for the indigenous peoples' identity, customs, traditions and institutions, in a manner consistent with their aspirations, lifestyles and forms of social organization.

108. The Commission is also composed of representatives of the Ministries of the Interior, Foreign Affairs, Finance and Public Credit, Social Development, Agriculture and Water Resources, Communications and Transport, Public Education, Health, Labour and Social Security, and Agrarian Reform, as well as the Office of the Attorney-General of the Republic, the National Institute for Indigenous Affairs, the Office of the Attorney-General for Agrarian Affairs, the National Council for Culture and the Arts, the Mexican Social Security Institute, the National Water Commission and the Federal Electricity Commission.

109. The Commission has an Advisory Council, which operates on a consultative basis and as a means of permitting participation of the public; it will operate independently in cooperation with the other agencies of the National Democratic Planning System. The Advisory Council is composed of honorary representatives of indigenous organizations and of the public and private sectors, as well as various members of the scientific community, the human and social sciences community, and associations and institutions whose activities are related to the purpose and activities of the Commission itself.

(d) National Solidarity Programme

110. The National Solidarity Programme attaches priority to activities and investments for indigenous groups with a view to improving their levels of health, nutrition, education, housing and gainful employment. Accordingly, coverage has been extended to the indigenous communities with the installation and equipping of health centres and medical units, and the supply of basic commodities in isolated areas has been assured with the opening of rural stores and dairies. Drinking water supplies and electrification have also been introduced and work has been carried out with the communities on the opening, widening and repair of roads, among other important activities.

111. Solidarity has developed a series of projects to complement and consolidate the work being carried out by the National Institute for Indigenous Affairs (INI). From 1989 to 1992, Solidarity increased resources with a view to improving, by means of production activities, the standard of living of indigenous groups. The resources deployed by INI increased more than four times from 1989 to 1992, rising from 36,000 million pesos to 158,400 million pesos.

112. Many of the activities carried out in indigenous areas form part of other Solidarity programmes. Of particular note are the support for coffee-growers, rural roads, electrification, drinking water projects, medical units, retail stores, production and municipal financing, and school renovation. Other activities are covered by the Indigenous Communities Support Programme. It should also be noted that other federal institutions and State governments invest large sums in ethnic communities under the coordination of INI. Solidarity projects undertaken in conjunction with INI cover four basic areas: economic development, social welfare, administration of justice and promotion of the cultural heritage.

113. In March 1990, with the aim of overcoming the economic backwardness prevalent among the ethnic groups, Regional Solidarity Funds for the Development of the Indigenous Peoples were created. These provide a

significant flow of resources which are channelled directly to stimulate productive and profitable projects that help to generate more adequately paid employment and to strengthen the organizational processes of the communities. It is also hoped to use these funds in order to ensure:

(a) That indigenous communities and organizations participate in and define the programming, realization, monitoring and evaluation of projects;

(b) That the resources earmarked for indigenous organizations are used efficiently and on a cost-effective basis, and that the activities undertaken are compatible;

(c) That the organizations have access to the various sources of financing, in concert with such associated entities as they may determine;

(d) That the profits deriving from production activities benefit the indigenous organizations and communities.

114. Production projects financed by the fund are used to:

(a) Provide special help with a view to improving efficiency in the production activities of the primary sector, which are essential in indigenous regions. New production options are being explored in line with the potential and the physical, social and economic characteristics of each area;

(b) Stimulate alternative uses of regional resources by interrelating such activities as agriculture, livestock-raising, forestry, agro-industry and handicrafts, and diversify the economic activity of the indigenous communities;

(c) Encourage the development of technology in keeping with traditional regional production processes and integrate traditional with modern skills in cases which offer feasibility, cost-effectiveness and a significant impact on social well-being.

Social welfare

115. Health. Primary health care is supported from the ordinary budget of the INI and is adjusted to the sociocultural circumstances of the population groups covered; this is supplemented by the coordinated work of people who practise traditional medicine and by community participation. The main activities in the health field carried out by the Solidarity Programme in conjunction with INI have been: studies on the growth and nutritional status of children between 0 and 14 years, detection of maternal risk factors, morbidity rates, immunization censuses, identification of medicinal plants, training of indigenous community teams, midwives and doctors, courses of training in traditional medicine and health education, setting up medicinal plant gardens and community pharmacies, health-care activities such as antenatal checks, disinfestation, preventive dentistry and vaccination, programmes for the treatment, prevention and control of cholera, and support for traditional doctors' organizations.

116. Food aid. The object of this phase of the Solidarity Programme is to help to reduce malnutrition in children and to strengthen the organization of the communities with a view to achieving self-sufficiency in food. At the start of the Programme, malnutrition rates fluctuated between 40 and 50 per cent of indigenous children under 5 years of age. Following the activities carried out, there has been a slight reduction in those percentages.

117. Education. The INI runs hostels which facilitate access to primary education for indigenous children from scattered communities where there are no schools. These hostels are located near schools and provide indigenous pupils with board and lodging from Monday to Friday. To supplement the educational syllabuses in the hostels, agricultural, livestock and health-care activities are carried out; these are run with the natural resources of the locality and are based on local technology and know-how. The educational activities of the Solidarity Programme are focused on repairing and equipping the hostels, thereby ensuring that some 32,000 indigenous children have a decent place to stay, and encouraging new habits of hygiene, cleanliness and tidiness, which promote better scholastic development.

(e) National Programme for the Development of the Indigenous Peoples, 1991-1994

118. The object of the 1989-1994 National Development Plan continues to be to improve the well-being of Mexicans, in complete accord with our original constitutional mandate. In that context, the Programme for the Development of the Indigenous Peoples of Mexico was introduced. The Programme comes within the framework of the National Solidarity Programme, of which it forms part, and was set up with the aim of making a sustained frontal attack on poverty and giving effect to the constitutional undertaking concerning the welfare of the people, by harmonizing and channelling the creative efforts of the communities in the definition and execution of the Government's activities. The National Solidarity Programme recognizes Mexico's indigenous groups as one of the priority subjects of its action to raise their standards of health, education, housing, occupation and gainful employment. It was with a view to providing direction, achieving tangible results and establishing commitments within the framework indicated that the National Programme for the Development of the Indigenous Peoples was formulated.

119. The Programme lays down conditions for dialogue, agreement and negotiation. It gives expression to a political will that is serious, committed and responsible. It ensures principles, methods and possible areas of agreement. It takes over activities that we have already started and establishes the conditions for them to be continued and strengthened within the framework of the National Solidarity Programme.

120. The National Programme for the Development of the Indigenous Peoples promotes the free development of the indigenous peoples of Mexico and helps to correct inequality. It establishes the public strategies that must be present in this connection and also the means of action to be adopted in planning and carrying out those strategies. It forms an integral part of the National Solidarity Programme, whose objectives and rules concerning action it shares.

121. Respect for the identity, culture and diverse organization of the indigenous peoples of Mexico is a fundamental principle of all the activities undertaken as part of this Programme. The indigenous peoples and the communities of which they form part have the right freely to define the objectives, modalities and time-limits for their development programmes, within the framework of the rights and duties laid down in the Mexican Constitution. The indigenous peoples are not the object of an externally defined development plan, but are the subjects of their own development. The Government must provide economic and technical resources to support the definitions and guidelines selected by the subjects of the development

122. Another of its fundamental principles is participation by the indigenous peoples and communities, through their representative organizations, in the planning and execution of all activities under the Programme. The forms of participation will be varied and flexible, and adapted to the organizational diversity that obtains among the indigenous peoples, but they will all be coordinated, and will have to contribute to the strengthening of the indigenous organizations and to increase their autonomy and their capacity for management and execution. Indigenous participation must culminate in the full and unrestricted transfer, within agreed time-limits, of material works, resources and technical processes to the indigenous organizations, which will enjoy their benefits and assume responsibility for their continuation, extension and replication.

123. There is vast organizational diversity among the indigenous peoples of Mexico. All representative organizations which have legal capacity can be the subject of proceedings and agreements concerning coordination of indigenous participation, without any discrimination on religious or political grounds. The self-management processes of the integration of higher representative and democratic organizations, will receive support through increased capacity for management and execution but will not be subject to any compulsion. Government institutions will refrain from intervening in internal decision-making by the organizations with which activities under this Programme have been coordinated.

124. Pro-indigenous action under this Programme is directed at social justice, within the meaning of the Mexican Constitution. It is democratic, shared and decentralized. It rejects and shuns all forms of paternalism, substitution or action by intermediaries. The intent is to combine public resources and activities with initiatives freely chosen by the indigenous peoples through their representative and democratic organizations, without relinquishing the governing and regulatory role incumbent on the Mexican Government.

125. The key objectives of this Programme are to remedy injustice and to make a frontal attack on the poverty that afflicts the indigenous peoples; these will be the guiding principles in establishing priorities, defining strategies, coordinating goals and evaluating results. Legislation, regulations and public expenditure and investment are tools to support the effort of the indigenous peoples to improve their levels of nutrition, health, education, housing, occupation and gainful employment and to combat poverty in a positive manner, while raising levels of production, productivity and retention of the wealth generated in the indigenous environment. The participation of the indigenous peoples in the whole process is a must.

126. It is not possible to deal immediately with all, or even with most, of the shortages and the backwardness, the structural barriers and the unequal treatment that are curbing the free development of the indigenous peoples and are mentioned in their demands. Society does not have the economic, technical and human resources to attempt to do so. The Programme seeks to strengthen, broaden, modify and institute activities that will have a permanent and growing influence on the correction of inequality and injustice.

127. The activities under the present Programme fall into two groups: strategic projects and sectoral subprogrammes.

128. The purpose of the strategic projects is to fill gaps in government action, which are reflected in the inability to exert a real influence on some of the structural factors that help to perpetuate inequality and injustice and curb the autonomous and self-defined development of the indigenous peoples. They involve new institutional activities and arrangements, based on indigenous demands, which have not had their own specific programme, with adequate political, technical and administrative back-up. Here one must be emphatic: it is a question not of creating new bureaucratic bodies but of finding spheres of interest with the participation of the indigenous peoples, to deal with demands and carry out functions for which there used to be no proper channels of expression and solutions. Government action is concerned with compliance with the Mexican Constitution, under which there is overall responsibility for achieving collective well-being in areas and matters in which it used to be lacking or disorganized and which can now be handled in a better way.

129. The aim of sectoral subprogrammes is to ensure the continuity of, and to strengthen, expand and if necessary correct, those measures for which an institutional framework and operators already exist. Opening these to indigenous participation, for which there are already a number of precedents, is a priority measure on which their strengthening and growth will be based. Effective and efficient coordination of institutional activities within sectoral subprogrammes, on the basis of indigenous participation, is also a matter of priority in this area, and attempts to draw on the wealth of experience acquired by the indigenous population, and so to expand and consolidate it.

130. The ultimate objective of the various activities under this Programme must be to increase, with the participation of the indigenous population, the public expenditure devoted to their development as a proportion of total public investment. This overall proportional increase must also be effected in Mexico's various States and municipalities, depending on the size and circumstances of their indigenous population.

131. Backwardness and marginalization objectively restrict the capacity to absorb expenditure and investment. All activities deriving from the Programme must serve to increase the capacity to modernize the indigenous peoples' development potential, so that the desired objective is increasingly translated into viable programmes and projects, with precise and specific objectives, and with an autonomous capacity for growth and replication, so as to ensure a steady rise in levels of production, employment and well-being within the indigenous environment.

132. With indigenous participation as their basis, the orientation and methodology of all Programme activities must serve to enhance the skills of participants, and also of the public-institution personnel who provide their services. Acquiring these skills involves not simply a one-way transmission of know-how and techniques, but effective and attentive interchange in order to increase the knowledge and skills of all. The Programme neither defines nor takes for granted the nature of the indigenous peoples' development models. It avoids the two extremes of externally imposed change and stagnant conservationism. The indigenous peoples do not conform to such parameters. They pursue their own development by adopting the most appropriate combinations of their own resources and knowledge and those available from outside, in conformity with their own wishes.

133. Systematic assessment of the progress achieved and obstacles to be overcome, and of the commitment and efficiency of the various agents involved in the development of the indigenous peoples, forms an essential part of this programme, and the methods and instruments necessary for this purpose will be developed.

Strategic programmes

134. Justice Programme. The Justice Programme for the Indigenous Peoples of Mexico is backed by the National Commission for Justice for the Indigenous Peoples, an advisory body made up of eminent citizens of the National Institute for Indigenous Affairs (INI), and instituted by the President of the Republic on 7 April 1989. The Justice Programme involves the National Solidarity Programme and the INI, together with, for purposes of coordination, the Offices of the Federal Attorney-General, the Attorneys-General of the Federal District and states, the National Human Rights Commission and the National Commission for Justice for the Indigenous Peoples and its branches in the various States.

135. Solidarity for Development Funds. The aim of these funds is to provide direct financing for the retrievable productive projects of indigenous organizations and communities. The funds will be directly administered and supervised by the regional indigenous organizations and communities. Regional funds, drawn from resources of the National Solidarity Programme, will receive an annual capital grant to finance productive projects. Profits will be ploughed back into the funds to increase their autonomy and capital.

136. National Indigenous Languages Programme. It has been proposed to set up a programme exclusively devoted to setting down, studying, analysing, strengthening and disseminating the indigenous languages. These languages constitute a vital component of Mexico's cultural heritage and, for complex historical reasons, have so far lacked an institutional framework for systematically setting them down and developing them. Further information on this topic will be provided in connection with the measures adopted pursuant to article 7 of he Convention.

137. Support for the cultural heritage. The system of support is designed to expand and give permanence to agencies and activities whose purpose is to restore the cultural heritage of the indigenous peoples and to establish interrelationships with other cultural heritages, on a basis of mutual respect

and equality. Activities undertaken in this connection may be at the community, regional, State and national levels. The Solidarity Fund for the Advancement of the Indigenous Cultural Heritage has been established in order to support projects developed by the indigenous peoples and communities and their organizations. The involvement of the National Solidarity Programme is particularly significant as it decisively incorporates cultural development as a strategy in action to combat poverty and injustice. An associated programme is under way with the aim of restoring indigenous medicine and incorporating it harmoniously into the National Health System. The Programme encourages the involvement of institutions within the National Health System, and of universities and research centres. Further information on measures taken in support of the indigenous cultural heritage will be provided in the section relating to article 7 of the Convention.

138. Measures in aid of the indigenous population of the metropolitan area of Mexico City. The metropolitan area of Mexico City contains the largest indigenous population in the country. The diversity of the indigenous population living in Mexico City is almost as great as that of the indigenous population in the nation as a whole. Mexico City is also the destination of indigenous people from all over Mexico who come to perform administrative formalities, conduct business transactions, receive specialized medical care, etc. The city is and has always been a multi-ethnic and multicultural metropolis. Most of the indigenous groups that have settled in Mexico City, and all indigenous inhabitants who visit the city temporarily, face poverty and marginalization, which are seriously aggravated by their indigenous status. As a means of addressing the specific problems resulting from this situation, a programme will be implemented to provide advice, support and training for the indigenous population and to foster their cultural development, without generating either dependency or requiring any form of subsidy. The programme involves the Federal District Department, the National Institute for Indigenous Affairs and the National Solidarity Programme, which are to be joined by the Government of the State of Mexico and the municipalities of greater Mexico City.

139. Research Programme. As a means of making up for the serious lack of information, knowledge and analysis of Mexico's indigenous peoples it is intended to establish a network for the coordination, exchange and support of research. Particular importance is to be attached to research involving indigenous people themselves, and to the dissemination of the research findings among the indigenous peoples, for their use and benefit. A noteworthy component of the Programme is a survey of the indigenous population, on the basis of the results of the 1990 general population census, in order to determine their number more precisely and to establish a closer correlation with social indicators; the survey will provide a basis for updating the information collected. The National Institute of Statistics, Geography and Information Science, the National Population Council and the National Institute for Indigenous Affairs are participating in the project. A particularly significant feature of the network is the participation of the National Solidarity Programme, the institutions involved in the survey, research centres and universities carrying out research in the area, together with the institutions that finance scientific research and all the public and

private bodies concerned by the topic. The National Institute for Indigenous Affairs will be responsible for setting up the network and will provide its support services.

Sectoral subprogrammes

140. Health and welfare. This programme has the following objectives:

(a) To enhance, with the effective participation of the indigenous population, the primary health care model, which all the institutions that make up the National Health System are to adapt to the specific features of Mexico's indigenous areas. The adoption of a model based upon partnership is of particular importance for the decentralization of responsibility for health services to the various states;

(b) To ensure that the existing institutional capacity for providing health care to the indigenous community is fully operational and is supplemented by the necessary new facilities, integrated into a primary health care system;

(c) To strengthen and set up systems of epidemiological and nutritional screening in Mexico's indigenous areas, and to intensify vaccination campaigns and campaigns to prevent and monitor preventable diseases;

(d) To promote, with community participation, direct food assistance programmes for risk groups in areas of extreme poverty;

(e) To encourage the establishment of community pharmacies that will offer, at affordable prices, industrial and traditional pharmaceuticals for medical treatment;

(f) To set up a system to support and integrate traditional indigenous medicine into the primary health care structure, by means of regional projects to foster research, exchange, training and cooperation between traditional therapists and conventional practitioners;

(g) In conjunction with the Water Board and the States, to rehabilitate existing potable water and sewage systems, and to train communities to operate, maintain and extend them. On the same basis of cooperation and participation, further projects will be undertaken to construct and extend potable water networks. In localities where the installation of sewage systems is not feasible, alternative waste disposal systems will be constructed.

(h) To step up programmes for the construction and improvement of housing in indigenous areas, adapting programmes to regional or indigenous traditions and techniques and aiming to improve sanitation;

(i) To encourage the establishment of depots of traditional and industrial materials and of credit lines for indigenous housing, in association with the Solidarity Funds for the development of the indigenous peoples.

141. Education. As part of the educational modernization programme, efforts must be made to promote access by the indigenous population to all levels of education, and to improve the quality of bilingual and bicultural education as regards practical conditions, teachers and measures to keep indigenous pupils within the educational system.

(a) Construction, repair and rehabilitation of schools in indigenous communities, with the participation of the communities and in accordance with their means and resources; this requires special attention and flexible methods and procedures;

(b) Adjust the programme of scholarships for indigenous students in middle-level education; increase their number and value, and link them to academic achievement; establish scholarships and incentives for needy indigenous students in upper middle-level and higher education;

(c) Raise the academic level of bilingual personnel and retain them as group teachers in indigenous areas. The issue of education through indigenous languages will be taken up again in the analysis of measures adopted pursuant to article 7 of the Convention;

(d) Improve practical and educational facilities in indigenous school hostels through community participation in assistance, management and supervision. Increase the number of school hostels, closing down those that have served their purpose. Encourage, on different bases, the establishment of communal hostels to cater for indigenous middle-level students;

(e) Link Mexico's National Indigenous Language Programme with the educational system through the provision of specialized services.

142. Culture. Although this topic will be considered in the section relating to article 7 of the Convention, the general objective in this area is to set up, through the system of support for the cultural development of the indigenous peoples, a programme to restore, develop, disseminate and exchange their cultural heritage. The programme will be participatory, decentralized and multifaceted and will receive support from a variety of institutions. In this connection, it should be pointed out that the objective is to increase radio broadcasting of indigenous language programmes in order to provide broad coverage in terms of both population and languages. This cultural programme also plays a vital role in providing communications in indigenous areas. Further information on this topic will be provided in the section relating to article 7 of the Convention, in connection with the description of radio broadcasting in indigenous languages.

143. Infrastructure. Communication by land in the indigenous areas requires a special programme to satisfy the demands of the indigenous peoples and to take advantage of the contribution they are willing to make in terms of manpower and local materials. Requests for electrification and communication links may be integrated within this programme. The execution of the works by authorities and organizations of the communities themselves is a prerequisite for the viability of the programme and a significant component of the process of economic development in indigenous areas. The soil and water conservation programmes (including the use of water for irrigation) carried out by the indigenous communities and organizations must be given the closest attention

and highest priority. In crisis situations where the ecological balance is seriously threatened, it is essential to establish emergency solidarity programmes such as those set up in the Chinanteca region damaged by the Miguel de la Madrid Hurtado dam, in the Montes Azules reserve and neighbouring areas, or in the Lake Pátzcuaro basin. Coordination with the Department of Agriculture and Water Resources and the Department of Urban Development and Ecology, and with the state governments, should be stepped up for this purpose, as should the construction of public buildings in indigenous localities and the conversion, completion and rehabilitation of disused buildings, as well as the provision of essential services, using resources from the municipal solidarity funds.

144. Productive investment. The establishment of the Solidarity Funds for the Development of the Indigenous Peoples supplements rather than replaces the investment programmes in the context of the National Solidarity Programme, the Regional Development Programme and the Single Development Agreement. These funding programmes and instruments should extend their coverage in indigenous areas in order to establish conditions that will facilitate productive and cost-effective projects by the indigenous organizations and communities. To this end, particular importance attaches to the inclusion of the indigenous producers' organizations in the consultation arrangements being developed by the SARH and its subordinate agencies, and by the National Agricultural Credit Bank.

145. According to the terms of this programme, technical assistance and training will be the subject of special attention by all the institutions participating in the INCA-Rural consortium. The solidarity teams are also a central factor in the training and technical assistance programme, which covers not only the technical aspects directly connected with projects, but also the organizations themselves with a view to increasing their autonomy and their management and executive capabilities.

146. The strengthening and extension of the system of supply to indigenous areas is a priority task clearly linked to the improvement of the food situation, but it is also a significant factor in building up a more efficient marketing system with fewer middlemen. The creation of effective links between the supply system and rural marketing mechanisms is a pressing need which can be handled jointly with the Solidarity Funds for the Development of the Indigenous Peoples.

147. The establishment of a coherent and coordinated programme for the promotion of crafts and the proper marketing of craft products at home and abroad, in the context of the National Solidarity Programme, is a task of the utmost urgency and has excellent prospects.

148. All activities under the strategic projects and sectoral subprogrammes include indigenous women as a focus, on the basis of the recognition of their role as producers, as mainstays of the indigenous economy and as propagators of indigenous life and culture. Their inclusion has to be made explicit and emphatic. The demands, initiatives and proposals of indigenous women will be the subject of priority attention, as will training and organizational activities for the benefit of indigenous women. Productive projects proposed by, or focused on, women will have to be supported, but particular care must

be taken to avoid imposing an additional and disproportionate burden of work on them, in addition to their existing daily grind. Normative principles, strategic projects and the guidelines set out in the sectoral subprogrammes will have to be given concrete expression in regional and State programmes for the development of the indigenous peoples.

B. Article 3

149. In keeping with its principles with regard to foreign policy, the Government of Mexico has maintained a firm and unequivocal stand against apartheid. As noted in the consolidated document containing the seventh and eight periodic reports, Mexico ratified various international legal instruments adopted by the United Nations for the elimination of racial discrimination, such as the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention against Apartheid in Sports. Mention may also be made of Mexico's membership of the Commission against Apartheid in Sports set up under article 11, paragraph 1, of the last-mentioned Convention. The Mexican Government condemned the regime of racial discrimination in South Africa in various international forums and supported all the measures put forward by the international community for its eradication.

150. At the special session of the General Assembly on apartheid, held in December 1989, the Mexican Government supported the Declaration on Apartheid and its Destructive Consequences in Southern Africa, drawing attention to the need for the complete elimination of the system of racial segregation, and stated its conviction that "only through the imposition of wide-ranging and mandatory sanctions will the necessary steps be taken to eliminate apartheid". In conformity with Chapter VII of the Charter of the United Nations and in accordance with the relevant resolutions adopted by the General Assembly, the Mexican Government on that occasion voted in favour of imposing sanctions on the Pretoria regime.

151. Mexico maintained neither diplomatic nor consular relations with South Africa and all cultural, educational, sporting or other types of exchanges were suspended. Similarly, in accordance with the various resolutions adopted by the United Nations, safeguards were established to avoid authorizing any type of financial link with South Africa, and trade in goods originating in, coming from or sent to South Africa through third countries was prohibited.

152. Nevertheless, in March 1992 Mexico decided to initiate a gradual rapprochement with South Africa in view of the progress made in the democratization process in that country. The rapprochement was effected in conformity with various United Nations resolutions, particularly resolution 48/1 adopted by the General Assembly without a vote at its forty-eighth session, in which it was decided to repeal all provisions adopted by the General Assembly relating to prohibitions or restrictions on economic relations with South Africa and its nationals, whether corporate or natural, including the areas of trade, investment, finance, travel and transportation, the supply of petroleum to South Africa and investment in the petroleum industry there, and States were requested to take appropriate measures within their jurisdiction to lift the restrictions and prohibitions they had imposed

to implement previous resolutions and decisions of the General Assembly, and Security Council resolution 919 (1994), in which it was decided to end forthwith all other measures against South Africa contained in resolutions of the Security Council and all States were invited to consider reflecting the provisions of the resolution, as appropriate, in their legislation.

153. It should be pointed out that the actions taken by the Mexican Government to restore diplomatic and trade relations with South Africa fall within the context of measures to ensure a peaceful transition from apartheid to a democratic, non-racial regime in South Africa, as provided for in the "Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (1993-2003)" contained in resolution 48/91 of the United Nations General Assembly. Similarly, Mexico welcomes the launching of the Third United Nations Decade to Combat Racism and Racial Discrimination, on the understanding that it is of great importance to complete all those activities provided for in the Second Decade which have not yet been implemented, particularly accession to the International Convention on the Elimination of All Forms of Racial Discrimination by those States which have not already acceded, and that account is to be taken of the transition from the apartheid system to a society with no racial distinctions in South Africa and the development of new forms of discrimination.

154. The Mexican Government commends the establishment, within the United Nations Centre for Human Rights, of a coordination centre with responsibility for reviewing information about the activities carried out within the framework of the Third Decade and formulating specific recommendations with regard to the activities undertaken. It also considers that the launching of the Third Decade should serve to accelerate the process of signature and ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, as envisaged in the Programme of Action for the Decade, with a view to successfully eliminating the practices affecting this segment of the population.

155. The Government of Mexico is opposed to any form of discrimination, whether institutionalized or otherwise, and to the new forms of discrimination, xenophobia and other forms of intolerance which have emerged in several parts of the world, particularly in the developed countries.

156. Following the elimination of the legal pillars of apartheid and the setting-up of the Transitional Executive Council, the body charged with monitoring the Government of President Frederick De Klerk and organizing the first multiracial and multiparty elections in the history of South Africa, which were held in April and saw the victory of Nelson Mandela and his African National Congress, Mexico decided to establish diplomatic relations with Pretoria on 27 October 1993 and consequently established a resident diplomatic mission in that country.

C. Article 4

157. Mexico is free from propaganda and organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and

discrimination. Consequently, given the fact that the law corresponds to the social reality, there is no specific legislation on these matters. This is borne out by the absence of both national and international complaints on the subject, as was pointed out during the presentation of the seventh and eighth reports to the Committee. This situation still prevails and the phenomenon does not arise in our country, nor is it even a subject of national debate. At the same time, our historical experience and the make-up of the Mexican population, which is 90 per cent mestizo as a result of the mixing of Spaniards and indigenous inhabitants, have given rise to one indisputable fact, namely, that there is no negation of one or another racial origin in our country, so that it has not been seen to be necessary to legislate on that subject, unlike in other countries where miscegenation did not take place.

158. However, if account has been taken of the multicultural make-up of Mexico, inasmuch as article 4 of the Constitution has been amended to recognize this reality, this has certainly not been done to eliminate racial hatred or prevent the dissemination of ideas based on racial superiority, nor is it the result of the existence of organizations seeking to promote racial discrimination, of the type referred to in article 4 of the Convention. We therefore consider article 1 of the Mexican Constitution to be of key relevance to this provision, inasmuch as it stipulates that every person present on the territory of the United Mexican States, irrespective of age, sex, nationality, ethnic origin, race, political ideology, etc., shall enjoy the individual guarantees laid down in the Constitution without any distinction.

159. In addition, there is the possibility for private persons to request protection from the Judiciary of the Federation when individual guarantees have, in their opinion, been violated by acts of administrative authorities, by laws enacted by the Congress of the Union or by decisions of judicial bodies, which raise problems of constitutionality.

160. It should also be pointed out again that, under article 133 of the Constitution, international treaties are the supreme law of the Union; accordingly, through incorporation into national legislation, the Convention directly constitutes the applicable law and may serve as the basis and grounds for any legal action.

161. The question of the indigenous population in Mexico is never approached as a problem of racial discrimination but as a matter connected with the right to development and their economic and social marginalization.

D. Article 5

162. As was pointed out in previous reports, the first 29 articles of the Mexican Constitution explicitly recognize the individual guarantees which form the basis of legal protection and the equality of all persons before the law, and also the right to those same guarantees, which by law extend to all persons. The individual and collective guarantees recognized in the Constitution are exercised without any restrictions other than those laid down by law to maintain public order and the rights of third parties. Life, physical integrity, property, beliefs, opinions, and the freedoms of

association, movement, expression and political activism are among the values which the Government of Mexico respects and protects and whose full exercise it guarantees.

163. It should be pointed out that, when considering the measures adopted to achieve full implementation of article 2 of the Convention, those corresponding to this article were included. As regards measures adopted for the benefit of the Mexican population as a whole, which inevitably have an impact on minorities, reference may be made to those mentioned in the Mexican Government's third periodic report to the Human Rights Committee, concerning the implementation of the International Covenant on Civil and Political Rights (CCPR/C/76/Add.2), and in the second periodic report submitted to the relevant Committee concerning the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.4).

E. Article 6

164. Respect for the individual and collective guarantees enshrined in the Constitution is bound up with the improvement of the system of justice. Public safety is strengthened through the operation of the rule of law and in practice entails the continuous supervision of rights for the protection of persons, their freedom and their property. The indigenous peoples have had a hand in the formation and consolidation of our constitutional State; however, they do not yet receive the full benefit of justice and legal certainty. The cultural disparity and economic and social weakness experienced by the members of ethnic groups make it difficult for them to exercise the rights granted to all Mexicans by the Constitution and the laws.

165. Equality before the law is not always applied fairly to the indigenous peoples; unpleasant vestiges of discrimination are still found. In legal terms, the problems of justice for ethnic groups are confined mainly to the criminal and agricultural spheres. In the former, indigenous defendants in court proceedings encounter serious obstacles in obtaining a fair trial. The problems they face range from ignorance of the Spanish language to lack of adequate means of defence owing to indigence.

166. The lack of clear legal rules concerning agrarian property ownership - which in many cases deprives communities of essential land - results in insecurity and tension, and this hampers improvement of the conditions of production and productivity. Occasional outbreaks of violence occur because of delays in he administration of justice and the lack of effective conciliation mechanisms. Many indigenous detainees are charged with offences in connection with agrarian conflicts.

167. The chief demand of the indigenous peoples is for justice in the broad sense of the term, including access on an equal footing to the courts of the Mexican State. They demand the honest, efficient and generous administration of justice, guaranteeing unconditional compliance with individual and collective safeguards, and recognition of their special ethnic and cultural status in all fields. They demand a system of justice which will enable them

to overcome the inequality afflicting them and to realize freely and in peace their potential for development, in accordance with their own choice. They demand the equality affirmed by law and frequently contradicted by reality. They demand social justice within the meaning of the Constitution and call for ongoing, efficient and deliberate action by the institutions to promote social justice.

168. In specifically legal terms, the indigenous peoples' demands for justice focus on penal, agrarian and labour matters. In the criminal field, 6,325 indigenous people were on the country's prison registers at the end of 1990, although there are thought to be shortcomings in identification procedures. Seventy per cent of indigenous prisoners had not been sentenced and half of them, (35 per cent) had been kept in detention beyond the time-limit laid down by law. Most indigenous prisoners did not have the benefit of translation during their trial, nor could they rely on appropriate official or other means of defence. The legal practices of indigenous peoples are not taken into account in proceedings, despite the fact that they may serve as mitigating circumstances or to prevent imprisonment for minor offences. Conditions of imprisonment for indigenous people, far from their places of origin in nearly all cases, are substandard and frequently cause their family members to pull up their roots in order to assist them.

169. There are no adequate support facilities for the rehabilitation of indigenous people released from gaol. Given the circumstances in which they are tried, well-founded doubts frequently arise concerning their guilt. It may be stated that indigenous people facing prosecution often encounter serious additional difficulties in obtaining a fair trial, ranging from ignorance of Spanish or of the written language and lack of adequate means of defence on account of indigence to the existence of discriminatory practices against them.

170. The lag in rural development is particularly serious for the indigenous communities and ejidos. The failure to regularize agrarian rights results in conflicts with the owners of other forms of property, and also between neighbouring communities and within communities and ejidos. The indigenous peoples encounter great difficulties in solving their agrarian problems on account of distance, the cost of travel to the towns where the agrarian authorities have their headquarters, the lack of adequate advisory services, language and other problems.

171. The lack of clarity as regards land ownership makes it difficult for the indigenous communities to obtain loans and other forms of support requiring official documentation. Many of their requests, based on the traditional models of land management, are not provided for by agrarian legislation, making it impossible for them to be dealt with and regularized. There is a persistent demand for land based on local conditions and supported by legitimate claims, which has not, however, received attention and contributes to the climate of insecurity. The idea of agrarian justice, which was generously and actively promoted by the Revolution, is compromised in the indigenous communities by problems of delay, lack of precision and inadequate attention.

172. By virtue of the work they perform when they join the labour market (as agricultural day labourers, temporary and self-employed workers, and domestics), indigenous people do not receive adequate protection in their labour relations. This lack of protection extends beyond Mexico's frontiers, where labour problems are frequently compounded by the illegal situation of migrant workers. It is probably in the labour market, which is joined daily by a growing number of indigenous workers, that the lack of legal support is most acute and least understood.

173. In addition to the three areas mentioned above, reference may be made to the fact that many thousands of indigenous people have no papers establishing their status as Mexicans, and their rights are consequently restricted.

174. The fact of unequal access to the judicial system for indigenous Mexicans is unacceptable to the nation. If economic conditions are not favourable to the indigenous communities, it will prove more difficult for their human rights to be respected. The municipalities, as one of the three levels of government, are called upon to play an essential role in the development of the communities and in possibly settling the conflicts that arise between indigenous customs and the national legal order.

175. In any event, national legislation and indigenous customary rules - given the changes undergone by the former - are compatible in a climate of full observance of human rights. The necessary respect for ethnic plurality must in no circumstances signify the violation of fundamental guarantees. On the other hand, the strict observance of human rights guarantees the strength and permanence of the different ethnic identities which define Mexican nationality. Formal equality and the right to be different are but two sides of the same coin.

1. National Development Programme for the Indigenous Peoples, 1991-1994

176. The Justice Programme of the National Development Programme for the Indigenous Peoples, supported by the National Commission for Justice for the Indigenous Peoples of Mexico, an advisory body of the National Institute for Indigenous Affairs, operates at various coordinated levels:

(a) Studies and recommendations aimed at improving the legal framework, through recognition of the specific rights of the indigenous peoples and active measures to encourage their enforcement, and eliminating discriminatory practices of any kind;

(b) Training of indigenous advocates and translators, and support for the formation of professional societies and associations to furnish defence and advisory services on a permanent basis in indigenous areas, particularly in criminal, agrarian, labour and civil matters;

(c) Formation of agrarian conciliation teams to deal with unresolved problems and settle inter-community and intra-community disputes;

(d) Direct provision of advisory services and defence aid pending the formation and establishment of professional societies and associations, with particular emphasis on working for the release of indigenous prisoners;

(e) Coordination of State programmes and voluntary organizations for the benefit of indigenous peoples through agreements and standing cooperative arrangements.

The National Solidarity Programme and the National Institute for Indigenous Affairs are involved in the development of these schemes, as are of course the agencies of the Executive and the Judiciary at the federal and State levels of government.

2. National Solidarity Programme

177. The National Solidarity Programme follows two main lines of action in the field of justice: training of indigenous advocates and translators to furnish defence and advisory services on a permanent basis; and formation of agrarian conciliation teams to deal with unresolved problems and settle disputes.

178. The promotion of training for defence lawyers started a process of self-management among indigenous peoples based on the acquisition of basic legal knowledge in order to exercise their rights vis-à-vis the authorities. Legal training is offered to persons chosen by the communities to serve as advocates; at the same time, indigenous radio stations are used to broadcast information about their basic rights. This work was backed up by distribution of the handbook "Donde no hay abogado" ("Where there is no lawyer"), which explains the basic procedures for resolving the legal problems most frequently encountered by indigenous people. Thirty-two law courses, attended by 960 people, were held in 1991 in various states; there was also a course for 130 translators of 42 indigenous languages. Also worthy of note were the organization of courses on Mexican labour law for 572 persons and the meetings on the rights of migrant workers in the United States, which were attended by 120 indigenous inhabitants.

179. A national prison census was carried out with the support of the social welfare directors in the various States, for the purpose of identifying prisoners of indigenous origin and organizing a system of identification and follow-up for prisoners. These activities were carried out in conjunction with the National Institute for Indigenous Affairs.

180. In the agrarian sector, attention was paid to the regularization of land tenure and schemes were undertaken by joint teams with the participation of the Department of Agrarian Reform, the INI and State governments. The joint conciliation teams speeded up the implementation of presidential decisions, the delimitation of boundaries, the allocation and extension of land, the

general investigation of the use of plots of land, the clarification of agrarian problems affecting indigenous people and the resolution of conflicts still experienced by communities on account of land disputes.

3. National Institute for Indigenous Affairs

181. The National Institute for Indigenous Affairs was established in 1948 as a result of the Inter-American Congress on Indigenous Affairs, held in Pátzcuaro (Michoacán), Mexico, in 1940. Under the 1988-1994 Administration, its activities were carried out in conformity with the principles of the National Solidarity Programme, which were in turn based on the social practices of the indigenous peoples. This explains the congruence between the Programme and the Institute's activity: in 1993, 53 per cent of the INI's budget originated from the National Solidarity Programme.

182. Within the Institute the principles of solidarity are complemented by the following additional features:

(a) Participation of indigenous peoples and communities in planning and implementing the Institute programmes;

(b) Transfer of institutional functions to indigenous organizations and communities, and public institutions and special interest groups who are involved in, and committed to, action in aid of indigenous peoples;

(c) Coordination with federal, State, municipal and social institutions, and with international agencies.

Administration of Justice Department

183. The chief demand of the indigenous peoples is for justice, which in juridical terms means legal recognition for their current and past existence, the release of indigenous prisoners, the solution of their agrarian problems and the defence of their labour rights. Under the 1988-1994 Administration, the National Institute for Indigenous Affairs accordingly established the Administration of Justice Department in order considerably to expand its activities in the legal sphere, which is subdivided into the following areas: criminal matters, agrarian matters, legal anthropology, migration questions, support for civil human rights organizations and the civil registry. The first four correspond to demands by the indigenous peoples. The fifth developed as a consequence of experience in various parts of the world which has shown that a prerequisite for safeguarding human rights is the involvement of non-governmental organizations, and out of the need to develop a culture of human rights protection in Mexico. The sixth area was established because registration of birth is a prerequisite for individuals to avail themselves of some of the possibilities offered to them by the new legislation deriving from the reform of article 27 of the Constitution and of the Land Act, which contains the relevant regulations.

Criminal matters

184. The information on prisoners compiled by the judicial authorities does not specify whether they are indigenous; as a result, it was impossible for the Institute to determine the number of detainees, the offences with which they were charged, the stage reached in the proceedings, the authorities responsible for each case and the sentences handed down. The Institute accordingly set itself two specific objectives: a census of the prison population, which would have to be kept up to date, and encouraging the collection of data specifying the indigenous people to which detainees belong, as a means of facilitating up-to-date census statistics.

185. Initially, the census identified more than 700 indigenous prisoners awaiting sentence despite the period prescribed by law for sentencing having elapsed. The Institute brought these cases to the attention of the National Human Rights Commission, which dealt with all of them. As a result of its action, the individuals were sentenced. However, analysis of a sample by the Institute and the Commission revealed that the sentences could have been shorter. None the less, it has to be recognized that, as sentencing decisions are within the sole competence of judges, it is impossible to draw clear conclusions in this respect. As a result, the National Human Rights Commission set up the Indigenous Affairs Coordination Office, whose Directorate-General for the Prison Programme has given priority to attending to the needs of indigenous people.

186. Under the 1988-1994 Administration, efforts have been made to promote the conclusion of agreements with the Secretariats-General of the State governments, which are responsible both for the State prosecution departments and for the crime prevention and social rehabilitation services. In general, the agreements on criminal practice stipulate that the information on prisoners must specify whether they belong to an indigenous people, and require that criminal cases involving indigenous prisoners should be examined jointly with the appropriate authority, as the overall aim is to afford indigenous persons specific treatment in accordance with the law, rather than special treatment.

187. As of April 1993, agreements had been signed with 23 States. Noteworthy is the agreement signed between the Office of the Attorney-General of the Republic and the National Institute for Indigenous Affairs, which in 1990 was in the form of an understanding and was converted into an agreement in 1992. It is significant because of the importance it attaches to the question of translators and the specific attention to be given to indigenous persons on trial for federal offences, and because 95 per cent of such cases are offences against public health. Consequently, under the 1988-1994 Administration over 8,000 files on indigenous prisoners were examined, resulting in over 5,200 releases. In many cases, the examination of files revealed the desirability of allowing time to pass so that the detainee served part of his sentence, thus qualifying for some form of conditional release; in a smaller number of cases, examination showed that it was not possible to offer any easing of the sentence as the persons concerned were habitual offenders or had beyond all doubt committed serious offences.

Tables from the Department of Administration of Justice for Indigenous Peoples

Administration of Justice Department

Indigenous persons deprived of their liberty, registered by INI by State, 1989-1993*

	1989	1990	1991	1992	1993
Aguascalientes	0	0	0	0	0
Baja California	23	36	46	61	81
Baja California Sur	0	6	0	0	5
Campeche	66	112	116	121	104
Chiapas	532	679	546	251	282
Chihuahua	136	298	143	135	157
Coahuila	0	0	0	9	7
Colima	0	0	13	20	33
Distrito Federal	129	85	84	80	127
Durango	108	103	110	47	62
Guanajuato	0	0	9	5	8
Guerrero	144	246	183	230	210
Hidalgo	71	231	396	240	199
Jalisco	17	29	25	21	22
México	88	226	210	113	136
Michoacán	66	183	169	62	113
Morelos	23	21	34	13	77
Nayarit	256	374	282	147	165
Nuevo León	0	5	0	27	20
Oaxaca	671	1 683	1 718	1 364	1 688
Puebla	452	650	427	436	398
Querétaro	35	50	65	37	28
Quintana Roo	59	81	124	70	83
San Luis Potosí	146	108	189	163	204
Sinaloa	83	107	77	32	49
Sonora	102	204	165	216	224
Tabasco	78	79	56	70	33
Tamaulipas	0	0	41	43	51
Tlaxcala	21	28	3	0	49
Veracruz	264	481	440	590	863
Yucatán	199	220	213	152	303
Zacatecas	0	0	0	4	7
Islas Marías	0	0	0	0	93
Total	3 769	6 325	5 884	4 759	5 881

*Source: INI, as of 15 December 1993.

Administration of Justice Department

Indigenous persons released as a result of INI intercession, by State, 1989-1993*

	1989	1990	1991	1992	1993	Total
Aguascalientes	0	0	0	0	0	0
Baja California	11	15	8	4	6	44
Baja California Sur	0	0	0	0	0	0
Campeche	27	18	6	74	68	193
Chiapas	110	127	137	401	139	914
Chihuahua	126	51	15	94	48	334
Coahuila	0	0	0	0	0	0
Colima	3	0	0	1	9	13
Distrito Federal	21	76	50	57	29	233
Durango	83	20	13	19	11	146
Guanajuato	8	0	0	0	0	8
Guerrero	126	117	118	68	179	608
Hidalgo	30	65	70	134	84	383
Jalisco	11	4	0	0	8	23
México	33	13	15	17	42	120
Michoacán	57	47	16	4	22	146
Morelos	0	0	0	0	0	0
Nayarit	66	30	51	80	87	314
Nuevo León	0	0	0	0	0	0
Oaxaca	143	100	137	123	173	676
Puebla	94	129	36	50	93	402
Querétaro	30	14	7	16	5	72
Quintana Roo	65	27	33	34	57	216
San Luis Potosí	34	11	36	9	66	156
Sinaloa	23	59	39	32	60	213
Sonora	44	103	75	192	122	536
Tabasco	17	0	0	9	28	54
Tamaulipas	0	0	0	3	16	19
Tlaxcala	0	6	0	0	0	6
Veracruz	115	131	112	126	172	656
Yucatán	76	39	39	88	73	315
Zacatecas	0	0	0	5	3	8
Islas Marías	0	0	0	0	7	7
Total	1 353	1 202	1 022	1 653	1 618	6 848

*Source: INI, as of 30 September 1993.

Agrarian matters

188. When the current federal Government took office, the agrarian problem, linked to the physical limitations on the possibility of land redistribution under the agrarian reform which began with the 1910 Revolution, was

undeniable. Responsibility for redistribution and for carrying out the rural survey was centralized in the Agrarian Reform Secretariat (SRA), which, being subject to the legal framework existing at the beginning of the 1988-1994 Administration (i.e. prior to the reform of article 27 of the Constitution) obliging it to redistribute land in an unsustainable manner, and entangled in a complex web of interests and conflicts over an already exhausted resource, became a department of very limited effectiveness and efficiency.

189. In this national context, the lack of agrarian justice for indigenous groups took three forms:

(a) Failure to complete the process of registration for those groups which initiated proceedings and possessed documentation;

(b) Recognition of a limited right, in an inappropriate form, for those groups which, for lack of documentation and in order to satisfy demands for distribution to other groups, were "granted" land under the ejido system;

(c) The shrinkage of indigenous land through overt seizure, the generation of third-party rights over indigenous lands, expropriation in the public interest or urban growth.

190. Moreover, one of the underlying assumptions about peasants in general, but even more so about indigenous people, was that it was difficult to reach agreements between agrarian communities in conflict; this assumption, which was taken as true, provided grounds for leaving numerous cases unresolved. In these circumstances, the Institute's work took two directions: the selection of cases that were exceptional, either because of their historic significance or their legal, political and social complexity, in order to request the SRA to deal with them; efforts to bring about conciliation in conflicts between farming communities which, while not exceptional, provided evidence that would enable them to be addressed.

191. Efforts at conciliation took the form of an agreement with the SRA, and conciliation teams were set up comprising SRA and Institute personnel, financed from the latter's budget. A total of 538 cases were dealt with, 352 of which, affecting more than 110,000 peasants and involving a total disputed area of over 500,000 hectares, in dispute for between 10 and 509 years, were settled by conciliation. A statistical table on the work of agrarian conciliation teams between 1989 and 1993 is contained in annex IV.

192. It should be pointed out that the limitations of the earlier agrarian legislation and its implications for the SRA meant that it had been possible to formally legalize conciliation in only a small number of cases. However, the new agrarian legislation promulgated in 1992 is considerably more conducive to formal legalization. The reforms have resulted in the establishment of new institutions for the administration and implementation of agrarian justice: the Office of the Attorney-General for Agrarian Affairs and the Agrarian Courts. Both institutions, through their respective constituent instruments, provide specific and targeted services for indigenous groups.

193. In these new circumstances the Institute's possibilities of action have grown from a few exceptional cases to comprehensive coverage. Progress is being made towards determining precisely the number and location of indigenous communities entitled to the special attention provided for by law, and as a result progress is also being made towards producing a rural survey of indigenous agrarian communities, whose number has been estimated at 7,200 by means of the studies carried out.

194. Currently, and in conformity with the policy of inter-agency coordination, operational coordination agreements have been signed between the National Institute for Indigenous Affairs and the Office of the Attorney-General for Agrarian Affairs and between the Institute and the Higher Agrarian Court. In addition, the agreement with the SRA which led to the establishment of the joint conciliation teams is currently being amended.

195. In conjunction with the SRA and in conformity with the legislation applicable to the programmes to overcome rural backwardness which have been implemented as a result of the reform of agrarian legislation, the Institute issues legal opinions in proceedings for the registration and issue of deeds for communal property, and in boundary disputes involving community property. The frequency of such conflicts has increased tenfold in just one year.

Legal anthropology

196. There are various facets to the indigenous peoples' demand for recognition. At the beginning of the 1988-1994 Administration, the indigenous inhabitants had no legal means of defending their living cultures which, in the broadest sense of the term, encompassed all spheres of their lives, and, with their great diversity, form a very important part of Mexico's historical and cultural heritage. The indigenous peoples expressed their demand in terms that should constitute a fundamental right, as only thus was it possible to defend their cultures in a manner that was in keeping with the importance of their cultures for Mexico and, of course, for the indigenous peoples themselves.

197. Cultural discrimination directly affects the indigenous inhabitants, concerns national society as a whole and is perpetuated by the dominant society's and indigenous peoples' mutual disregard. Accordingly, the Government has a duty to encourage the build-up of conditions which will permit recognition of cultural diversity and inter-cultural dialogue, so that any disputes that may arise as a result of such diversity can be converted into divergences that can gradually be settled in a climate of tolerance, respect, equity and unity. It should also be stressed that in many cases the fundamental concepts of indigenous cultures contrast with those of Mexico's non-indigenous culture; however, it is precisely for this reason, and because they are the product of a very long historical process of systematic development, that they enrich the nation.

198. In January 1992, the Congress of the Union and the Congresses of the States approved the initiative taken by President Carlos Salinas de Gortari in reforming article 4 of the Mexican Constitution, in order to recognize the specific rights of the indigenous peoples. This legislative change not only opens up new legal avenues; its purpose is to bring about a social change

involving the indigenous peoples, with the participation of those peoples as its foundation, in a process which by its very nature will be a long one. Drafting proposed legislation of a less general nature to make provision for the specific characteristics of the indigenous peoples is closely linked with the study of the indigenous law of each people, in order to determine those common features suitable for inclusion in Mexican positive law. Moreover, if indigenous representatives are to discuss elements of Mexican positive law, they need to be familiar with them, just as those who select and explain such elements to them must be familiar with indigenous legal practices and customs.

199. The objective of the Institute's legal anthropology sector is to develop means of communication and cooperation in order gradually to merge Mexican positive law with the legal practices, usage and customs of the indigenous groups. In other words, its objectives are as follows:

(a) For the dominant society to develop deeper knowledge of indigenous legal practices and customs, and of their philosophy;

(b) For indigenous groups to develop deeper knowledge of the provisions of Mexican positive law;

(c) To attempt, on the basis of this mutual knowledge, to coordinate and reconcile the various viewpoints, by developing legislative proposals that incorporate some indigenous legal practices and customs into positive law.

200. In order to develop knowledge of, and clarify, indigenous legal customs and to enable them to influence and be reflected in future legislation deriving from the reform of article 4 of the Constitution, the National Institute for Indigenous Affairs undertakes and encourages research into indigenous legal customs. A bibliographic research project is also under way on legal customs in order to develop instruments to assist lawyers in defending the interests of indigenous persons and to assist researchers in proposing specific research projects. Similarly, the preparation of outreach material was one of the first tasks of the 1988-1994 Administration. The availability of this material enhances the indigenous groups' capacity to defend their interests.

201. The achievements considered most significant are the recommendations and proposals that have been made to promote the adjustment of Mexico's legislative framework so that it recognizes the specific rights of indigenous peoples, the most noteworthy is the addendum to article 4 of the Constitution, on which the Institute conducted a broad public consultation through meetings with traditional authorities, specialists and representatives of indigenous organizations. The Institute has also cooperated to varying degrees in the drafting of constitutional reform bills in the States of Durango, San Luis Potosí, Oaxaca, Sonora, Chiapas and Hidalgo. It has helped to prepare proposals for a number of reforms to penal codes and codes of criminal procedure, at both the federal and local levels; it has proposed amendments to civil codes; it took part in the reform of article 27 of the Constitution, and the drafting of the new Land Act and others already referred to; and it is currently involved in activities, consultations and work on the formulation of draft regulations relating to article 4, paragraph 1, and article 27, section VII, paragraph 2, of the Constitution.

Migration questions

202. Migrants to agricultural areas encounter serious employment problems on account of the extremely complex and fluctuating nature of migratory processes, disparities in regional levels of development and the essentially seasonal nature of demand for agricultural labour. This complexity has also severely hampered the organization of agricultural labourers.

203. The huge supply of labour represented by the migratory flows of agricultural day labourers within Mexico and the fact that they are unskilled and employed for short periods of time mean that it is easy to replace them. Although Mexican labour legislation is acknowledged to be among the most advanced in the world, if a labourer invokes it he may win a case for one season, but he is unlikely to be hired again by the same boss, or indeed by any other boss.

204. At the beginning of the 1988-1994 Administration, the National Institute for Indigenous Affairs undertook studies in order to organize action among day labourers. However, the most significant feature of the migrants' working life was not indigenous culture per se, but working and living conditions in the region to which they moved. Accordingly, the Federal Government decided to set up a National Solidarity Programme for Agricultural Day Labourers, affiliated to the National Solidarity Programme and the National Institute for Indigenous Affairs, as a means of taking steps, which include attending to the needs of indigenous migrants in a number of specific regions. That experience would serve as a basis for action in other spheres:

(a) Improving the state of the basic service infrastructure by constructing latrines, showers, wash-houses, rural ovens and multi-purpose buildings;

(b) Installation of drinking-water plants;

(c) Establishment of government stores to regulate prices;

(d) Establishment of medical units and day-care centres;

(e) Environmental health and reafforestation campaigns;

(f) Vaccination, parasite-control, personal hygiene and disease-detection campaigns;

(g) Educational services for children, and literacy and basic education services for adults;

(h) Vocational-training courses; and

(i) Encouraging the registration of births and marriages.

205. The National Institute for Indigenous Affairs has publicized labour rights in the areas of origin of indigenous workers in order to avoid interfering with efforts to cater for the needs of day labourers in the receiving areas.

Support for civil human rights organizations

206. In conformity with pro-indigenous policy, but also because the authorities are occasionally implicated in violations of indigenous rights, and because by its very nature socio-cultural discrimination involves society as a whole, it is becoming essential to involve civil society organizations in tasks involving the administration of justice. In 1990, the Institute established initial contacts with non-governmental human rights organizations. It emphasized that they were singled out for the involvement of individuals renowned for their human qualities and inspired by a deep sense of commitment and social concern.

207. A support group for civil organizations, whose activities took the following two main directions, was set up within the Institute:

(a) The granting of initial funding for projects for which a diagnosis, outline of objectives, explanation of methodology, goals and a timetable were submitted, provided they were reasonably consistent with the Institute's policies, and the granting of secure funding for up to three years, and;

(b) Encouragement and promotion of the formal establishment of additional organizations of this kind, with emphasis on indigenous organizations.

208. In order to address the medium and long-term financing problem in late 1991, support was provided for the establishment of the Trust Fund for the Defence of the Rights of Mexico's Indigenous Peoples, which was designed as a means of raising funds from national and international private or governmental sources to form a minimum operating capital, the interest from which would finance projects in the legal sphere for the indigenous population.

209. From 1991 to 1994 a total of MN$ 16,565,335.58 was spent on 164 specific projects run by 152 non-governmental organizations devoted to defending the rights of Mexico's indigenous peoples in the criminal, agrarian, civil, labour and other spheres. This sum is equivalent to slightly more than 5 million dollars.

Civil registry

210. The registration of births, marriages and deaths enables citizens and families to exercise basic rights. Without the relevant documents it is impossible, for example, for an individual to furnish proof of his legal capacity to exercise the rights to which he is entitled under the Civil Code and the Code of Commerce, which, in conformity with the new Land Act, constitute residuary statutes in agrarian matters, including land inheritance rights and the rights of the wife and husband to one half of the couple's property, provided the marriage is under the joint property regime. It is also impossible to legalize types of organization commonly encountered among Mexican peasants.

211. In the indigenous areas, the isolated and scattered nature of the population, the difficulties impeding the effective presence of government agencies in these areas and the legal requirements that people who wish to make use of the civil registry have to meet have led to a huge backlog in the issue of birth certificates, for which no accurate assessment is available. Experience has shown the need to prepare a well-funded programme in order to make any significant inroads into the backlog; for this purpose the Institute is cooperating with the National Solidarity Programme.

212. At the same time, the Ministry of the Interior and the Institute have started to identify factors which, provided they are given sufficient attention by state governments and incorporated into legislation, will facilitate the registration of indigenous people, with the level of reliability required by the Government for such data. Field surveys and the preliminary proposals have been presented to the directors of the civil registry offices in the various States, and substantial progress has been made towards an agreement vesting in the indigenous communities' traditional bodies authority to record origin, filiation and other data necessary for registration. Nine agreements have been signed between the governments of the States and the Institute on pilot schemes incorporating these proposals. A table setting out the civil registration programme for the period January 1991-December 1993 is contained in annex V.

4. National Human Rights Commission

213. On account of the legal restrictions contained in the Organization Act and Regulations of the National Human Rights Commission (CNDH) regarding its competence and processing of cases, the Commission focuses a large part of its efforts on carrying out specific regional studies or studies on specific indigenous problems, while at the same time attending to complaints and other regular activities ensuing therefrom.

214. The National Human Rights Commission will strive to achieve increasing, fair and proper recognition of ethnic diversity, for the benefit of one of society's most vulnerable groups. In this connection, the Commission has carried out research into judicial problems in complex situations and has published its results:

Report on the problem of expulsions among indigenous communities in the Chiapas highlands and human rights;

The human rights of migrant workers;

Violations of the human rights of the Cora group in the State of Nayarit;

Study of the Mixe region in the State of Oaxaca;

Human rights situation in the Sierra Norte in Puebla;

Report on the activities of the National Human Rights Commission in the Sierra Tarahumara in the State of Chihuahua.

215. One of the main problems lies in the incompatibility between the national legal system, on the one hand, and provisions and institutions deriving from the indigenous peoples' traditions and customs, on the other. Accordingly, the parties involved in the conflict must be prepared to establish procedures to permit dialogue and coordination between them, in order to ensure peaceful coexistence. It is also considered necessary to expand or enhance development programmes and to devote greater resources to the indigenous peoples in order to improve their living conditions and quality of life. In addition, one of the most significant activities of the Commission's Office for the Coordination of Indigenous Affairs is the provision of legal advice to indigenous inhabitants concerning human rights and the bodies to which they should address their problems if the Commission is not competent to handle them.

F. Article 7

216. The aim of the cultural programme is to expand and consolidate the institutions devoted to the restoration of the indigenous peoples cultural heritage and interchange between it and other cultures on terms of respect and equality. Activities are undertaken at the community, regional, State and national levels.

1. Promotion of the indigenous cultural heritage

(a) National Solidarity Programme

217. The National Development Programme for the Indigenous Peoples provides a system of support for the indigenous peoples' cultural heritage. Thus, as part of the National Solidarity Programme and with the support of the National Institute for Indigenous Affairs, the Solidarity Fund for the Promotion of the Indigenous Cultural Heritage has been established. The National Anthropology and History Institute, the National Fund for the Promotion of Handicrafts, the Departments of Popular Culture and Indigenous Education, the National Adult Education Institute, and the Cultural and Handicraft Centres in the various States also participate in the fund, together with the universities.

218. In 1992 proposals were received from 50 ethnic groups relating to 800 cultural projects. In order to disseminate the cultural values of the indigenous groups and to promote their integration with the rest of Mexico, three radio broadcasting stations were set up and equipped in San Quintín (Baja California), Cuetzalán del Progreso (Puebla) and Santiago Jamiltepec (Oaxaca). The facilities of the La Voz de los Chontales radio station in Nacajuca (Tabasco) were renovated and the power of the La Voz de la Mixteca transmitter in Oaxaca was increased (tables are annexed showing the broadcasting network of the National Institute for Indigenous Affairs, operated through its Department of Cultural Advancement and Research; they indicate the location, power, coverage and languages, together with the call signs of the radio stations broadcasting indigenous cultural programmes). Federal investment of MN$ 375 million was programmed for 1993 in order to consolidate the existing funds and more effectively to promote the comprehensive development of the indigenous peoples.

219. The allocation of funds from the Fund for the Promotion of the Indigenous Cultural Heritage is decided by the indigenous groups through their regional collegiate representative body. Noteworthy projects are those involving artistic expression, use of natural resources, sacred and ceremonial sites, written history and language, and laws and customs.

220. In addition, the National Institute for Indigenous Affairs operates the Development and Advancement of Indigenous Cultures Programme as part of its regular programme, as a means of supporting a variety of applications or projects concerning the organization of community cultural events involving music, dance, festivals, rituals, language workshops, handicrafts and seminars on cultural topics, etc.

221. As regards the encouragement of cultural societies, it should be mentioned that such societies have developed around the specific cultural concerns of each indigenous people. The types of organization which currently undertake cultural projects include the following: cultural committees, councils of elders, traditional authorities, civic associations, patron saints' guilds, Maya dignitaries, traditional doctors, Committee for the Safeguard of Holy Places.

222. The Cultural Funds Programme is being implemented through the following subsidiary funds:

(a) Support for ethnic community culture;

(b) Consolidation of musical culture;

(c) Protection for holy places and the historic cultural heritage;

(d) Transfer of means of communication;

(e) Support for traditional forms of passing on knowledge.

The Programme for the Development and Advancement of Indigenous Cultures operates in conjunction with the Funds Programme and responds to requests or projects requiring immediate attention, although its budget is insufficient. For the current year support has been provided for 68 requests benefiting 47 ethnic groups.

(b) National Institute for Indigenous Affairs

223. Promotion of the unrestricted development of indigenous cultures is one of the main programmes of the National Institute for Indigenous Affairs. To achieve this, the concept of culture encompasses a far broader field than the fine arts. The Institute has adopted a more anthropological interpretation of culture, encompassing the processes of social identity from which the members of a nation draw their sense of affiliation. Thus, the concept of culture includes, inter alia, languages, folklore, social solidarity institutions, environmental standards, and non-destructive use of the environment, indigenous history, various forms of aesthetic expression, legal provisions and customary law, and patterns of interpersonal relationships.

224. As a means of supporting the enhancement of Mexico's indigenous cultures, the Institute encourages the organized participation of the indigenous peoples in designing, planning, carrying out and evaluating projects to further their own development. Through the Department of Cultural Advancement and Research, the Institute has carried out a range of activities designed to enhance cultural diversity.

Mexico City festivals of indigenous music and dance

225. The indigenous festivals were organized and held in order to present a representative panorama of Mexico's cultural diversity, by exhibiting various facets of indigenous traditions, including their ceremonies and rituals, clothing, music, dance and art. The festivals were designed to promote understanding of, and disseminate and reassess, indigenous cultural expressions among various components of Mexican society, and to foster an exchange of experience and knowledge among different indigenous groups tat are separated by enormous distances, both geographic and cultural. The festivals were financed by the Institute and the Federal District Department through Socicultur, which took charge of organizational aspects and assisted the participating groups by paying for their travel expenses, accommodation and food, and giving them financial support to mend or make their costumes, and repair some of their musical instruments and other accessories used in dancing.

226. The First Festival of Indigenous Music and Dance was held from 14 to 16 April and from 21 to 23 April 1989 in Mexico City. The following groups took part in the festival: los Zoques from Chiapas with the Moctezuma dance; the Tepehuanos from Durango with the Mitote dance; the Huaves from Oaxaca with the serpent dance; the Huastecos from San Luis Potosí with the Huehues dance; the Chontales from Tabasco with the Baila Viejo dance; the Nahuas from Guerrero with the devil dance; the Purépechas from Michoacán with the fish dance; the Nahuas from Puebla with the Negritos dance; the Yaquis from Sonora with the stag dance; and the Mayas from Yucatán with the Jarana dance. The groups performed on the esplanade of the Templo Mayor, and in the Hidalgo gardens, the Mexico City Theatre, the esplanade of the National Museum of Anthropology and the Culhuacán Cultural Centre.

227. The Second Mexico City Indigenous Festival, comprising music, dance, cinema and theatre, was held on 21, 22, 28 and 29 April 1990. The following groups took part: the Nahuas from Puebla, the Guarijíos from Sonora, the Amuzgos from Guerrero, the Mayas from Quintana Roo, the Pames from San Luis Potosí, the Mazahuas from the State of Mexico, the Coras from Nayarit, the Tarahumaras from Chihuahua, the Totonacos from Veracruz and the Mixtecos from Oaxaca. Performances took place in various locations in Mexico City and an exhibition from the Institute's audio-visual ethnographic archives was held. The television station of the National Autonomous University of Mexico and the Department of Popular Cultures also participated.

228. The third Mexico City Indigenous Festival was held in the second half of April 1991, and was attended by 200 participants representing eight Mexican indigenous groups and one group from Bolivia. The following groups took part in the festival: the Mexicaneros from Durango, with the Plama y Paño dance; the Nahuas from Veracruz, with the San José dance; the Mazatecos from Oaxaca,

with the orange blossom dance; the Mam from Chiapas with the maize dance; the Otomíes from Hidalgo with the Ixtle dance; the Chichimecas from Guanajuato with the Chichimeza dance; the Paí-paí from Baja California with the Kuri-kuri, Kuñimí and little bird dances; the Huicholes from Jalisco with the virgins dance, the Peyote and the sowing festival dance; and the Quechua group from Bolivia, who danced La Diablada. The festival was held on the esplanade of the Templo Mayor and in the Hidalgo gardens in Coyoacán, the Unidad Independencia, the esplanade of the National Museum of Anthropology, the Cuitláhuac gardens in Iztapalapa and the Mexico City Theatre.

229. The First Continental Symposium on Diversity was held in recognition of the contribution of indigenous diversity to Mexico's development. The purpose of this event was to focus the eyes of the world on the essential characteristics of the indigenous populations and their culture through their day-to-day world view, of which the Symposium provided an exceptional portrayal. The Symposium, which was held from 23 to 28 April 1992 in Mexico City, was attended by 1,500 indigenous dancers, musicians, representatives and leaders from over 70 indigenous groups in 24 countries. At the end of the Symposium, the participants signed a Manifesto expressing their satisfaction at having been able to come together to present their cultures and traditions, and drawing attention to some of their problems. In the Manifesto, the continent's indigenous peoples proclaimed 1992 as the Year for the Reassertion of their Ethnic Identities. They also confirmed their decision to advance and become the active shapers of their own destinies, through their organizations. They demanded respect for their autonomy and forms of social organization, and recognition of the legal practices aimed at self-determination for their communities, and rejected the celebration of 12 October as Discovery of America Day. They also demanded that the Mexican States should submit an economic and social reconstruction plan to safeguard the presence of indigenous peoples in their respective territories and expressed their solidarity with the Xi'Nich march, which had reached Mexico City from Chiapas, and called for, inter alia, respect for the human rights of the indigenous people of Chiapas.

230. The Fifth Mexico City Festival of Indigenous Music and Dance was held from 16 to 18 April and from 23 to 25 April 1993. It was attended by 10 indigenous groups from various parts of Mexico. The following groups presented their musical and dancing traditions: the Kikapú from Coahuila with the eagle dance, the K'miais from Baja California Norte with the Kuri dance; the Afromestizos from Veracruz with Sones llaneros de Fandango; the Mixtecos from Puebla with the Guajolote dance; the Nahuas from Morelos with the Tecuanes dance; the Tzotziles from Chiapas with the Fiesta de Carnaval; the Los Chatinos from Oaxaca with the sword dance, the Choles from Chiapas with the Quetzal feather dance; the Otomíes from Mexico State with the Dance of the shepherdesses; the Seris from Sonora with the Pascolas. The groups performed at San Ildefonso College, the Museum of Anthrhopology, the Hidalgo gardens in Coyoacán and the Covarrubias Theatre in the University Cultural Centre in Mexico City.

231. The Sixth Mexico City Festival of Indigenous Music and Dance was held from 6 to 15 May 1994 and was attended by 12 indigenous groups from various Mexican States. The outstanding feature of the festival was the presence of approximately 230 children and young people who, together with the adults,

presented to Mexico's urban society the wealth of their music, song, rituals and dances. The presence of indigenous children demonstrated the continuity of the indigenous peoples, as an essential component of Mexico's diversity. The festival was attended by the following: Coras from Nayarit, who presented the Mitote ceremony; Nahuas from Veracruz, with the Xochipitzahuac dance; Chuj from Chiapas, who presented traditional marimba music; Mayos from Sinaloa who presented the Pascola and stag dances; Nahuas from Guerrero with the Tlacololeros dance; Tenek from San Luis Potosí, with the Huehues dance; Purépechas from Michoacán with a band and children's choir; Chontales from Tabasco, who played tambourines and presented the Baila Viejo dance; Lacandones from Chiapas who sang ritual songs; Nahuas from Puebla, with the Quetzales and Migueles dances; Nahuas from Milta Alta, with the Aztequitas dance; and Rarámuris from Chihuahua, who presented the Sewá Sewaárame children's choir.

State music and dance festivals

232. In common with the festivals in Mexico City, the State music and dance festivals were designed to provide opportunities for interchange among the various indigenous peoples' music and dance grbups and to publicize some of their cultural expressions.

233. The Veracruz State Music and Dance Festival was held in Papantla on 20 April 1990 and was attended by 130 participants representing the Nahuas from Chicontepec and the Sierra de Zongolica, the Mazatecos from Playa Vicente, the Zoque Populucas from Hueyapan de Ocampo and the Totonacos from Papantla. The National Institute for Indigenous Affairs was responsible for organizing the Festival and received valuable support from the Veracruz Cultural Institute, the Ministry of Public Education and Papantla city council. The music and dance groups taking part also discussed the problems they face in celebrating their cultural events. They mentioned the lack of funds to preserve their traditions, the high cost of dance costumes and instruments, the scorn of the Mestizo population for indigenous traditions, the scant, or total lack of, importance attached by governmental institutions to cultural traditions and the lack of a regional organization to further the interests of cultural groups. For these reasons, the institutions which helped to organize the festival undertook to draw up a State cultural development programme.

234. The International Festival of Maya Peoples was held from 4 to 6 June 1993 and attended by 304 indigenous Mayas representing 23 music and dance groups from four Central American countries and four Mexican States. The main venue for the Festival was the capital of Campeche State; events were also held in the towns of Calkini and Hopelchen. The Festival provided an opportunity for the following groups to present their dances and music: peninsular Mayas from El Salvador, Chortis from Honduras, Quiches from Guatemala, Kekchis and Afromestizos from Belize, peninsular Mayas from Campeche and Yucatán, Chontales from Tabasco and Tzeltales from Chiapas.

235. The Cultural Festival of Mexican Indigenous Peoples in Michoacán was held in October 1993 and provided an opportunity for indigenous members of different peoples to present their dances, music, handicrafts and some of their customs. The main features of the Festival were the following:

(a) A presentation of dances and/or music by the Huastecos from Veracruz, Nahuas from Guerrero, Veracruz and Hidalgo, Chichimecos from Guanajuato and Totonacas from Puebla;

(b) A handicraft market and meeting at which craftsmen described the chief problems they face as producers;

(c) An exhibition of photographs entitled "Mexico, a century of indigenous photography";

(d) An ethnographic film festival at which the films projected included "Brujos y curanderos" and "Purepechas, los que viven la vida";

(e) An exhibition of traditional medicine presented by the Purhepechas Indigenous Doctors' Organization, at which the daily work of bone-setters, herbal doctors, midwives and rural doctors was shown;

(f) A literary evening;

(g) A seminar to discuss the problems faced by indigenous peoples, which highlighted the following demands: research into, and dissemination of, their culture; respect for their modes of organization and the elimination of centralized political control; appreciation of indigenous movements at their true value, without labelling them as opposition groups; establishment of community cultural centres and handicrafts training; genuine bilingual-bicultural education; easier access to higher education for indigenous communities, and indigenous diversity, as recognized in article 4 of the Constitution, to become effective. The locations for the Festival were Pátzcuaro, Morelia and Zitácuaro (Michoacán) at the following sites: the Michoacán Cultural Institute, Plaza Melchor Ocampo and San Nicolás Hidalgo University.

Promotion of indigenous participation in other festivals

236. The Washington Festival of American Folklife was organized by the Smithsonian Institute in Washington, D.C. in July 1991 as a means of familiarizing people with the art, music and dance of the representatives of the different cultures and their skill in harnessing natural resources. The INI supported the Festival and helped indigenous groups from Oaxaca and Chiapas to participate.

237. The Department of Cultural Advancement and Research organized various academic exchanges and events providing an opportunity for analysis and reflection among the indigenous peoples. They included:

(a) Round tables. From 7 to 9 May 1990 round tables were held on the topic "The paths of Indian studies", at which work undertaken in this area since the First Interamerican Indigenist Congress was discussed. The topics taken up were: the founders, critical approaches; and the National Institute for Indigenous Affairs today;

(b) Seminar on the Amerindian World on the Eve of the Third Millennium. This Seminar, which was convened by UNESCO's Amerindia 92 Programme and by the National Commission for Justice for Mexico's Indigenous Peoples, was held in June 1991. Its aim was to analyse the issue of indigenous peoples in Latin America. It was held in San Cristobal de la Casas (Chiapas) and was attended by indigenous representatives and distinguished intellectuals from the United States and a number of other countries. The Seminar culminated in the signing by participants of the "Declaración de Amerindia" (Declaration of the Amerindian World), in which they called upon the Governments of the countries of the Americas:

> To incorporate the projects of the indigenous peoples into their national plans;
>
> To overcome the poverty and marginalization affecting the majority of the continent's indigenous peoples;
>
> To undertake thorough reforms of their States;
>
> To extend legal recognition to the multicultural and multi-ethnic nature of their societies and to guarantee the rights of the indigenous peoples, in order to secure for them access to justice and to the material and cultural resources necessary for their reproduction and growth;
>
> To establish, within the legal systems of States, machinery to guarantee direct representation of the indigenous peoples, legitimizing their forms of authority, government and administration of justice;
>
> To develop further international instruments to guarantee the rights of the indigenous peoples;
>
> To protect the rights of indigenous women, with due recognition for their contributions to development processes.

The "Declaración de Amerindia" was signed by over 60 participants from 22 countries and presented at the Summit of the Presidents of Spanish America, held in Guadalajara (Jalisco) in July 1991.

(c) International Meeting of Ethnic Groups from East and West: Points in Common: The objectives of this Meeting, which was held on 4 and 5 October 1990, included an examination of indigenous and regional identities within the context of modernization and a comparison of the situation of ethnic minorities in Japan, China and India with that of indigenous groups in Mexico. The Meeting was organized by the National Institute for Indigenous Affairs, the Cultural Seminary of the National Council for Culture and the Arts, the Colegio de Mexico and the Government of the State of Nayarit, and was attended by approximately 30 researchers from Mexico, Korea, China, the Philippines and Japan, and by representatives from the Huichola, Cora, Mexicanero, Purépecha, Triqui, Mayo and Tepehuán indigenous communities. The Meeting provided participants with an opportunity to gain a clearer understanding of the situation of Mexico's indigenous peoples and to hear their appeals for respect for their culture. At the Meeting, the indigenous participants had an opportunity to describe what

modernity means for them and demanded respect for their cultural traditions and their political, economic and religious organization in the face of the intolerance, mass unemployment and scorn for their languages and customs which characterize the modern world. The participants agreed that it would be impossible to achieve modernity without ensuring the continued presence of the indigenous peoples. It was concluded that one of the major challenges of modernization was redefining national identity.

(d) Second Meeting of Ethnic Groups from East and West. This Meeting was held in Tepic (Nayarit) from 16 November to 2 December 1991 and was attended by indigenous intellectuals, academics and diplomats from Mexico, China, Thailand, Korea, Japan, Singapore and the Philippines. The Meeting was held as part of the "Feria de la Mexicanidad" (Festival to celebrate Mexican identity) organized by the Government of the State of Nayarit.

(e) First International Indian Press Meeting. This was organized by the Mexican indigenous journal Etnias in order to promote the exchange of experience among the indigenous peoples' different media and to lay the foundations for an international indigenous press agency. The Meeting, which was held from 28 to 30 April 1992 in Mexico City, was attended by 58 indigenous representatives of print media and organizations from 18 countries in the Americas. One of the most important agreements reached was to set up a network of indigenous communicators and journalists in the Americas and other parts of the world. In April 1993, this network was established as the First International World Indian Press Agency (AIPIN), with the purpose of overcoming the indigenous peoples' isolation from channels of communication and ensuring that indigenous communities themselves serve as sources of information which may be sold to other national and international press agencies. This event received financial support from the National Institute for Indigenous Affairs.

INI competitions, prizes and awards

238. The Competition entitled "Pátzcuaro, 50 Years of Indigenous Studies" was sponsored by the INI to encourage indigenous people and experts on indigenous affairs to express their ideas on the half century in which they have been working together, since the First American Congress on Indigenous Affairs was held in April 1940 in Pátzcuaro (Michoacán). It was important to commemorate the fiftieth anniversary of the Congress, which laid the foundations for the establishment of the Inter-American Institute for Indigenous Affairs and similar institutes throughout Latin America. The competition focused on two topics: the first, "50 Years of Indigenous Studies in Mexico", was aimed at workers, researchers and other persons interested in indigenous affairs; the second, "50 Years of Relations with Experts on Indigenous Affairs", was aimed at members of indigenous communities and organizations in Mexico.

239. The papers were reviewed and evaluated by a jury of specialists. First prize in the "50 Years of Relations with Experts on Indigenous Affairs" Competition was awarded to Mr. Onésimo Ríos Hernández for the paper "Letters to Experts". First prize in the "50 years of Indigenous Studies in Mexico" Competition was awarded to anthropologist Teresa Valdivia for the paper,

"La Sierra de Nadie"; no second prize was awarded but the third prize went to Mr. José M. Velázquez Pañeda for the paper "The distortion of indigenous institutions, 1935-1977". The prizes were presented on 26 November 1990.

240. The INI's Six Prizes Competition was announced in 1990; its purpose was to support the revival, strengthening and expansion of traditional cultures and the comprehensive development of indigenous people in our country, and was intended for indigenous individuals, organizations, communities, committees and associations. The competition was held only in that year, and the prizes were awarded on 28 February 1991. The following prizes were awarded:

(a) Indigenous Medicine Prize to the Organization of Indigenous Doctors in the Mixe region, for the paper "Traditional medicine in the Mixe region of the State of Oaxaca";

(b) Prize for Indigenous Crafts Development to José Astorga, a Seri from Sonora, for iron work, and to Luciana Cruz, a Mayo from Sinaloa;

(c) Prize for the preservation in written form of ethnic group traditions: first place went to Ubaldo López for his paper "Origin of the Mixtecs and their leaders"; second place to Cirilo Garrido for "Compilation of tales and legends"; third prize to Arturo Melgoza for "El crison donde se destilaron las copas";

(d) Prize for indigenous broadcasting to the following programmes: "Our land", by the Quintana Roo Centre for Development; "Traditional medicine" by the Indigenous Doctors' Organization from Tlaxiaco (Oaxaca); "Our peoples" by Alberto Moreno from Tlapa, (Guerrero);

(e) Prize for indigenous technology and traditional use of the environment for the paper "Indigenous broom-making techniques in Zitlala (Guerrero)" by Samuel Miranda;

(f) No prize was awarded in the "Justice for indigenous peoples" category.

241. The "Manuel Gamio prize for Indigenous Merit" was established by the Institute in 1978 in order to grant public recognition of the commitment of experts on indigenous affairs to the indigenous groups in Mexico. A committee appointed by the Governing Board of the Institute decides who shall receive the prize. In 1990, the prizes for 1989 and 1990, were awarded to the following persons: Professor Ramón G. Bonfil and Mr. Daniel Rubín de la Borbolla. The prize was awarded posthumously to Mr. Desiderio Ortegón Cahuih for his long career in the service of indigenous organizations in the Yucatán peninsula.

Fellowships for higher education

242. The objective of the programme of fellowships for higher education is to strengthen indigenous education, using a system of fellowships for needy indigenous students enrolled in a higher education institution in Mexico. These students can subsequently work in their communities and further the cultural development of their groups.

243. The first announcement of fellowships for indigenous students enrolled in higher education was made in 1990, after which 52 students from 21 indigenous groups were selected to receive awards of MN $200 a month from April to December. In 1991, 100 students from 18 indigenous groups were awarded MN $220 a month. In 1992, 129 students from 26 indigenous groups, enrolled in 21 institutions in the Federal District or the rest of the country, received assistance in the form of fellowships amounting to MN $250 a month from March to December. In 1993, assistance was given to 123 young people from 28 indigenous groups with fellowships of MN $250 a month.

244. The fellowship programme was aimed basically at students enrolled in bachelor's degree courses in indigenous education, because they are preparing to be bilingual teachers, and provided only partial support for indigenous students in other universities or taking other courses.

"Adventure 92" Project

245. The "Adventure 92" Project was an initiative of the Spanish Monarchy, submitted to the Conference of National Commissions of the Quincentenary in 1989. Its purpose was to re-enact, using a modern vessel, the transatlantic voyages of Columbus and other western explorers. Its objective was to establish links between Latin American and Spanish youth through academic, cultural and sports activities during the crossings.

246. During the Seventh Conference on the Quincentenary, held in 1989 in Guatemala, the Mexican delegation proposed that the teenage delegates from Latin America to the "Adventure 92" Programme should be of indigenous origin; however, as the decision on the matter was considered to be an internal matter for each commission, the only indigenous delegates to the Programme were from Mexico.

247. The young people who participated in the "Adventure 92" Programme were selected on the basis of the following criteria: they should speak their mother tongue; they were outstanding figures in their indigenous communities; they had completed junior high school or begun senior high school, with a minimum average of eight; they had been nominated by an organization or the authorities in their community; they had submitted an essay; and they were 16 or 17 years of age. Those selected in 1990 were nine young people from the Maya, Huichol, Tzeltal, Tzotzil and Zapoteco groups; they participated in the expedition organized through the Mayan territories. The 1991 group contained 10 indigenous young people from the Tarahumara, Mayo, Guarijio, Cochimí and Pai-Pai groups, who took part in the "On to Amazonas" journey. In 1992 the 10 young people selected were from the Tepehuano, Mazahua, Otomí, Nahua and Purépecha groups; they travelled to Spain, visiting various cities during the month of September.

248. From 24 August to 11 October 1993, the "Adventure 92" Programme sponsored a journey through the Quetzal Argentaria region, in which nine indigenous youths selected from the Tzeltal, Chol, Maya, Chontal and Nahua groups participated.

Recovery, promotion and dissemination of traditional music

249. The promotion, preservation and dissemination of indigenous music is important and deserves special attention because of its presence in all indigenous cultures. To achieve this goal, the Institute, through its ethnomusicology departments, conducts research to prepare monographs and publish the recorded music of indigenous groups, classifies recorded indigenous music contained in the archives, records indigenous music and disseminates it by producing records and responding to requests for information by students and researchers. It also advises indigenous groups on the purchase of musical instruments and recording and producing cassettes, enabling the groups themselves to make recordings and to decide what they will broadcast. Of these recordings, some material is generally left over; this has made it possible to build up a stock of recordings representing most of the indigenous groups.

250. Among the main activities undertaken in this sphere were the following: in 1990, 400 hours of recorded material containing indigenous music from the archives were classified; in 1991, together with the Department of Popular Culture and the National Anthropology and History Institute, a project was begun for the broadcasting of traditional music; to that end, three recordings were produced, promoted and distributed, all under the brand name of Cenzontle. The titles of the recordings were: Music of an Otomí community; Music among the Chichimecas; Inter-ethnic songs. In 1992 music was recorded by the Zapoteco group and 1,000 cassettes produced; and ethnomusicological notes were collected and arranged on the groups participating in the first Continental Encounter of Diversity. In 1993, 601 pieces of music were recorded by 25 Mexican groups and 5 foreign groups, who participated in the Fifth Indigenous Festival in Mexico City, the International Meeting of Mayan Peoples and the Cultural Meeting of Indigenous Peoples of Mexico in Michoacán. An album of the Fifth Festival, consisting of two compact discs, was produced, as well as two compact discs of the Meeting of Mayan Peoples. Support was also provided for the recording and production of cassettes by Mazatecos and Zapotecos from Oaxaca, and other groups were assisted in purchasing, recording, publishing and disseminating music through the production of cassettes.

251. The Institute cooperates with the Mixe Musical Training Centre (CECAM) by providing financial support and advisory assistance for the dissemination and teaching of band music. Fellowships are also provided for young people from the CECAM attending the Ollin Yolizti School of Music.

252. Finally, other cultural activities were conducted from 1989 to 1993 in support of organizations whose projects did not receive support from the Solidarity Funds for the Promotion of the Cultural Heritage.

2. Indigenous education

253. The Indigenous Education Modernization Programme, 1990-1994 comprises a series of activities to meet the difficulties and challenges involved in this subsystem; worthy of mention are proposals for dealing with the problems involved in failures, drop-outs and backwardness, such as: strategies for helping multilevel groups; educational proposals in the areas of physical

education, the arts, the environment, health and population matters; preparation of bilingual textbooks in order to develop the basic education curriculum; strategies for dealing with children with specific needs; opening of community workshops on linguistic development, with the participation of teachers and parents; training and recycling opportunities for teachers to learn strategies of educational psychology for dealing with indigenous children; helping to keep teachers in the area by offering them proper compensation. As an overall strategy, study will continue on the features likely to enhance the preparation of a basic education curriculum for the indigenous environment, increasingly geared to the comprehensive development of pupils.

254. The principal results of the Indigenous Education Modernization Programme have been achieved in response to the following objectives:

(a) Expansion and diversification of indigenous education services, supplementing them with activities outside the formal education system;

(b) Preservation and improvement of the quality of education;

(c) Reduction of inequalities among population groups belonging to geographically and socially disadvantaged communities.

255. Among the above-mentioned activities, the following are worthy of mention:

(a) In 1991 the project "Keeping teachers in the indigenous environment" began, aimed at encouraging teachers to remain working in their present communities and averting the "teacher drain"; from 1991 to 1993 4,953 monthly compensation bonuses were paid to the same number of teachers;

(b) Textbooks and teaching materials were reviewed and adapted, and, where necessary, new texts were designed, in accordance with the study plans and programmes and regional needs of the indigenous population groups;

(c) In 1991, a one-year teacher-training course in indigenous education was instituted; 6,122 teachers had been trained as of 1993.

256. The Indigenous Education Modernization Programme, prepared by the Department of Indigenous Education and the Ministry of Public Education, is outlined in annex VII.

Teaching in indigenous languages

257. In accordance with the policies of the Government of the President of the Republic, Mr. Carlos Salinas de Gortari, indigenous education is one of the areas receiving the greatest attention in the educational sector. As far as teaching in indigenous languages is concerned, the Ministry of Public Education is responsible for preparing textbooks, guides and teaching aids in general intended for the population groups speaking the principal languages of the 23 States with representative indigenous populations. In addition, it organises the one-year teacher-training course in indigenous education, which qualifies teachers to engage in this type of education.

258. Textbooks have been published in the following indigenous languages: Otomí, Tzeltal, Tzotzil, Purépecha, Maya, Chinanteco, Chontal (Oaxaca), Huasteco (San Luis Potosí), Huichol, Náhuatl, Mixteco, Mixe, Tojolabal, Totonaco, Triqui and Zapoteco. Textbooks in a total of 25 indigenous languages will have been published by the end of 1993.

259. Annex VIII contains a statistical table of teachers and pupils in the primary education sector, by language, for the period 1990-1993. Finally, annex IX contains lists of pupils, schools and teachers by indigenous language at the beginning of the 1992-1993 school year,

Literacy programmes

260. On the basis of the laws designating the country as multi-ethnic and multicultural, several official bodies have proceeded to develop courses intended for the indigenous population, using the mother tongue and Spanish.

261. The National Adult Education Institute, taking account of the need to attend to adults speaking only the indigenous language and to those beginning to learn Spanish as a second language, has responded to the requests for courses for these groups by 15 State delegations, which have set themselves the task of teaching indigenous people who meet the requirements and have so requested to read and write in their mother tongue. To this end, it has developed an indigenous population literacy project and incorporated indigenous inhabitants into its educational programme.

262. In 1989, the synthetic-analytical method was introduced; it goes from the simple to the complex, introducing a short text or list of words containing the points to be studied, on the basis of the most accepted and simplest spellings, to form words, followed by sentences, then speeches, then texts, culminating in the writing of a letter or message, using exercises in reading and comprehension. The objectives sought were to teach indigenous people to read and write in their mother tongue, with the expectation that once adults have become proficient in reading and writing in their mother tongue, they will go on to learn Spanish as a second language, both spoken and written Spanish being obligatory.

263. In 1989 another overall objective was added: in addition to writing the numbers, pupils were required to know how to use them, including basic arithmetic, such as addition and subtraction (without carrying over digits).

264. Materials available. Most of the projects, by language, use an "Adult's book", an exercise book and the teacher's guide; some projects use a self-teaching exercise book for the teacher rather than a teacher's guide, and some use a single edition containing both the "Adult's book" and a suitable number of exercises, without a separate exercise book. There are literary production workshops equipped with mimeograph machines to produce teaching aids prepared by adult consultants. At present there are 37 "Adult's books" in as many indigenous languages or dialects. The six priority States - Chiapas, Oaxaca, Guerrero, Hidalgo, Puebla and Veracruz - contain 30 of the 56 recognized ethnic groups, and the Institute's indigenous literacy programme covers a total of 14 languages with 31 dialectical variants.

3. Publicity

265. The National Human Rights Commission and the National Institute for Indigenous Affairs have undertaken the task of disseminating indigenous rights. A considerable effort is involved in disseminating information for indigenous people on the national legislation in force and training them in using it, since the Mexican population in general has little awareness of their rights. Consequently, in conducting the courses, it is essential to emphasize that Mexican positive law is not considered superior to indigenous law. In addition, because the courses have to be partly bilingual, the course teacher has to have some knowledge of indigenous law and have access to translators.

266. The following publications have been issued:

NATIONAL INSTITUTE FOR INDIGENOUS AFFAIRS
ADMINISTRATION OF JUSTICE DEPARTMENT
LEGAL ANTHROPOLOGY BRANCH
DISTRIBUTION OF INFORMATION AND TRAINING MATERIALS

			Number of copies				
Name	Type	Pages	1990	1991	1992	1993	TOTAL
Handbook, Working Without a Lawyer	Book	315	1 550	8 900	21 100	23	31 573
Convention 169	Pamphlet	105		4 550	1 918	2 201	8 669
Know Your Rights	Pamphlet	60	1 796	9 932	1 172	951	13 851
Pamphlet on article 4 of the Constitution	Pamphlet	44			10 000	3 298	13 298
Leaflet on indigenous rights	Pamphlet	3				37 167	37 167
Leaflet, The TLC	Pamphlet	3				37 167	37 167
Leaflet on agrarian matters	Pamphlet	3				37 167	37 167
Leaflet, Indians and the Land	Pamphlet	3				37 167	37 167
Leaflet, Right to a Translator	Pamphlet	3				352	352

267. Similarly, 154 courses have been given, attended by 7,263 people. All the foregoing activities have increased the indigenous groups' ability to defend themselves (annexes X and XI).

268. As part of its publicity work, the National Human Rights Commission prepared a series of four documentary video cassettes on the Rarámuris, Mixes, Tzeltales and Huicholes, which describe their living conditions, customs, traditions and access to justice, and the main types of violation of their rights. Documentary videos of this kind will continue to be produced.

269. A report on the legal customs of a number of indigenous groups in Mexico has been completed. The most representative groups as regards legal conceptualization and traditional forms of administration of justice were selected.

270. The National Commission has also prepared the following other material specifically for indigenous people:

Rules of procedure of the CNDH in Náhuatl (annex XII);

First biannual report in Náhuatl (annex XIII);

First biannual report in Maya (annex XIV);

Pamphlet on the human rights of indigenous persons (annex XV).

The latter is especially important because it contains the legal provisions that establish the rights and benefits of indigenous persons. It gives indigenous people a better basis on which to defend themselves and to learn about the most important legal provisions.